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INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

CASE NUMBER: **IV 2385031**

SUBJECTS: **Yee, Jimmy, Deputy, [redacted]**

Brookwell, Pamala, Sergeant, [redacted]

UNIT: **Central Patrol Division – East Los Angeles Station**

DATE: **April 29, 2015**

LOCATION: **5019 East 3rd Street, Los Angeles, CA 90022**

ALLEGATIONS:

This case pertains to allegations that Subject Jimmy Yee, #[redacted] failed to perform to the standards for his position as a traffic investigator at East Los Angeles Station. It is further alleged that Subject Yee later removed records from the East Los Angeles Traffic office. It is also alleged that Subject Brookwell failed to supervise Subject Yee, since she was Subject Yee's immediate supervisor and was responsible for reviewing and auditing Subject Yee's cases. Lastly, it is alleged both Subject Yee and Subject Brookwell improperly entered or directed to be improperly entered, false information into the [redacted], to circumvent the accountability process and hide Subject Yee's performance issues.

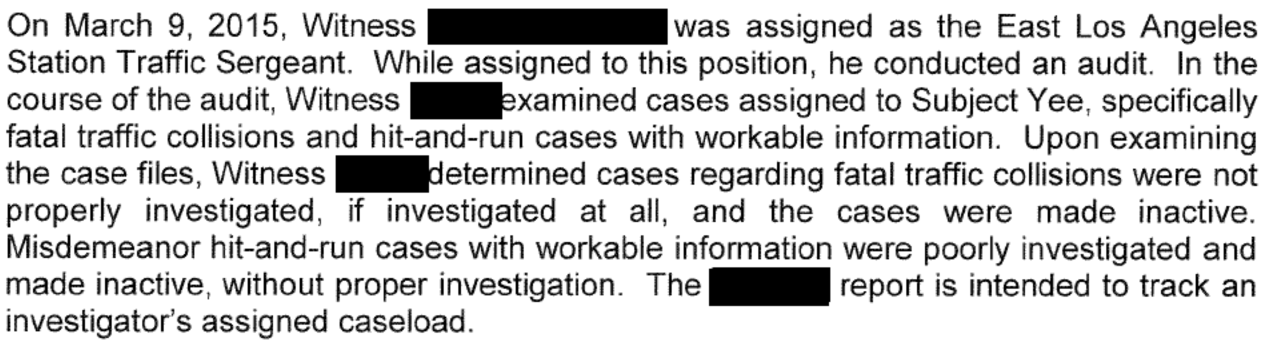
IAB Note: **A case is considered "ACTIVE," when there is further workable information and follow-up investigation will occur.**

A case is considered "INACTIVE," when there is no further workable information and cannot be investigated any further.

A case is considered "PENDING," if there is still outstanding information that was not available at the time of the first report, or when any new, workable information is brought to light.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

SYNOPSIS:



On March 9, 2015, Witness [redacted] was assigned as the East Los Angeles Station Traffic Sergeant. While assigned to this position, he conducted an audit. In the course of the audit, Witness [redacted] examined cases assigned to Subject Yee, specifically fatal traffic collisions and hit-and-run cases with workable information. Upon examining the case files, Witness [redacted] determined cases regarding fatal traffic collisions were not properly investigated, if investigated at all, and the cases were made inactive. Misdemeanor hit-and-run cases with workable information were poorly investigated and made inactive, without proper investigation. The [redacted] report is intended to track an investigator's assigned caseload.

IAB Note: [redacted]

In reviewing the fatal traffic collisions from 2014, which were assigned to Subject Yee, Witness [redacted] found the following:

IAB Note: The Office Correspondence in which the results of the case file audit were memorialized, will be attached to this Investigative Report, as [Exhibit A].

File #014-09407-0244-470
On July 17, 2014, Subject Yee was the Traffic Investigator assigned to investigate a traffic collision, which was determined to be a Vehicular Manslaughter case. This case was a solo vehicle collision, involving a tree and a building and was the result of a street race. Deputy Gonzaga authored the report for the collision and it was approved by Subject Yee on October 27, 2014, which was one hundred and two days following the collision. No supplemental reports were written by Subject Yee, regarding this incident. There were also two missing supplemental reports. One supplemental report documenting the medical transport and one separate supplemental report documenting who retrieved the toxicology report and what the results of the toxicology test were. There was also a typed statement from [redacted] who witnessed the collision, but was never mentioned in the original report. There was no documentation of how Subject Yee received this statement or when it was received from [redacted] [redacted] type written statement, was also not booked into evidence. According to [redacted], the case status had been pending since July 18, 2014. This case's status, should have been active.

In June of 2015, Captain Steven E. Biagini of East Los Angeles Station requested Risk Management Bureau's Traffic Services Detail conduct an audit of the above mentioned fatal traffic collision. During their audit, they identified issues with the case file, the missing supplemental reports, the investigation/ follow up, and errors in the traffic collision report

and factual diagram. At the conclusion of the audit, it was determined Subject Yee's actions were not in compliance with established policies, procedures, guidelines, or training. Risk Management concluded that Subject Yee "failed to properly manage his case file and/or notify his immediate supervisor with the case status."

File #014-09136-0246-470
On July 12, 2014, Subject Brookwell and Subject Yee responded to a fatal traffic collision. Subject Yee was the Traffic Investigator assigned to investigate the accident. This report was approved by Subject Yee on September 25, 2014, which was approximately seventy five days after the accident and after the autopsy report was prepared by the Coroner's Office. According to the [redacted] Case Management Tracking report, this traffic report was entered into [redacted] as inactive, on July 12, 2014. The original report, authored by Deputy John Huerta [redacted] was still in Subject Yee's case file and had never been scanned into [redacted]

IAB Note: [redacted]



Two original handwritten statements from a witness were also in the case file and never booked into evidence. Supplemental reports were missing from the case file. Photographs and video were in the case file and never booked into evidence. No investigation was conducted by Subject Yee. The car was impounded as evidence and released. Nothing was ever documented regarding the vehicle having any evidentiary value or an inspection being conducted by Subject Yee or anyone else. No supplemental report was written by Subject Yee.

File #914-08890-0241-471
On July 7, 2014, Subject Brookwell and Subject Yee responded to a traffic collision involving a bicycle and a pedestrian, due to the severity of the injuries sustained by the pedestrian. Deputy Carlos Lopez [redacted] authored the collision report and Subject Yee was the assigned Traffic Investigator. According to [redacted] this report was entered into as inactive, on July 8, 2014. The report was approved sixty six days after the collision and stamped as inactive, by Subject Yee. No supplemental report was written by Subject Yee. Subject Yee never identified the involved pedestrian, nor did he ever verify if the pedestrian died.

On August 8, 2015, Lieutenant Carlos Parga reassigned this case to Detective [redacted]. Detective [redacted] was unable to identify the pedestrian, but found he had been transferred to Studio City Rehabilitation Center on August 19, 2015. Detective [redacted] found the pedestrian had subsequently died on November 6, 2014, as a result of the injuries he sustained in the accident. Detective [redacted] obtained a copy of the

toxicology report on the bicyclist, which indicated no evidence of intoxication. Detective [redacted] determined this case to be an accident and closed the case within a matter of days.

Lieutenant Parga reviewed the Misdemeanor hit and run reports from 2014 and found Detective Yee's method of investigating a case with workable information, involved sending a letter to the registered owner of the vehicle and placing a registration hold on the vehicle with the California Department of Motor Vehicles. Lieutenant Parga also found with the fatal traffic collisions, Subject Yee had a tendency to not approve the first report until he had the reporting deputy put everything in the first report, so a supplemental report was not required.

Internal Affairs Bureau investigators interviewed the below personnel. Following is a summary of their interviews. For more information and precise wording, see the attached verbatim interview transcriptions.

SUBJECT JIMMY YEE

On Tuesday, February 16, 2016, IAB Sergeants [redacted] and Brenda Gibson interviewed Subject Yee at the Internal Affairs Bureau office. Attorney Amanda Waters from the law firm of Green and Shinee attended the interview, representing Subject Yee.

Subject Yee has been employed by the Los Angeles County Sheriff's Department, for over twenty seven years. [redacted] He has been assigned to East Los Angeles Station, since 1993.

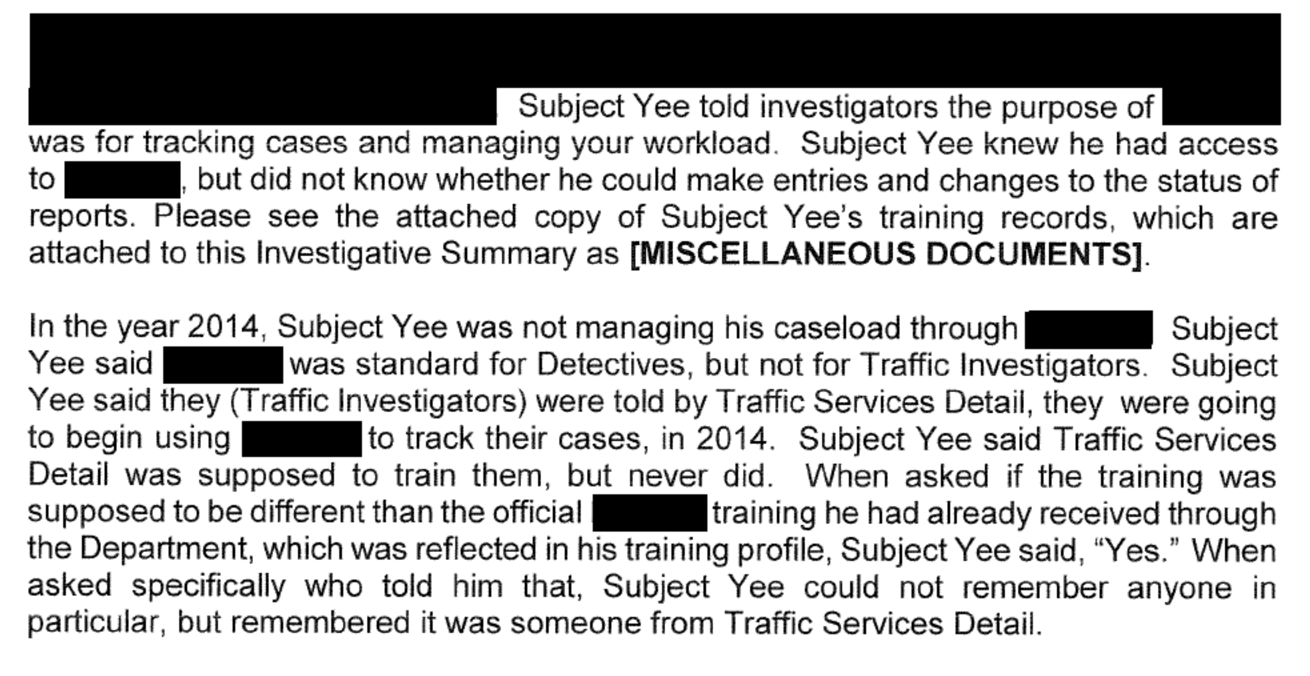
Subject Yee is currently assigned as the Traffic Investigator for East Los Angeles station and has been working in that capacity for approximately thirteen years. Up until the time he was relieved of duty, he was the only Traffic Investigator assigned to East Los Angeles station. While working as a station Traffic Investigator, he described his job responsibilities as reading and approving reports, filing cases at the District Attorney's Office, managing and tracking all his cases, specifically "DUI" (Driving Under the Influence) and misdemeanor hit and run cases, and reviewing reports where insurance companies may be involved.

[redacted]

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

IAB Note: For a complete listing of all the traffic related training Subject Yee has attended and completed, please see the copy of Subject Yee's training records, which will be attached to this Investigative Report in [Miscellaneous Documents].

Subject Yee told investigators the way in which he documents his actions during the course of his investigations, is by writing a supplemental report. Specific instances in which he would write a supplemental report would be when he interviewed someone, or located a suspect. Subject Yee said if he was going to close a case based on there being no workable information, he would write a supplemental report.



[redacted] Subject Yee told investigators the purpose of [redacted] was for tracking cases and managing your workload. Subject Yee knew he had access to [redacted], but did not know whether he could make entries and changes to the status of reports. Please see the attached copy of Subject Yee's training records, which are attached to this Investigative Summary as **[MISCELLANEOUS DOCUMENTS]**.

In the year 2014, Subject Yee was not managing his caseload through [redacted] Subject Yee said [redacted] was standard for Detectives, but not for Traffic Investigators. Subject Yee said they (Traffic Investigators) were told by Traffic Services Detail, they were going to begin using [redacted] to track their cases, in 2014. Subject Yee said Traffic Services Detail was supposed to train them, but never did. When asked if the training was supposed to be different than the official [redacted] training he had already received through the Department, which was reflected in his training profile, Subject Yee said, "Yes." When asked specifically who told him that, Subject Yee could not remember anyone in particular, but remembered it was someone from Traffic Services Detail.

When asked if working Traffic Services was different than working a station detective assignment, Subject Yee explained how Traffic Services Detail were the ones who monitored their cases and conducted their inspections. Subject Yee said he did not know if he was accountable to Traffic Services Detail or his station's Detective Bureau Lieutenant. Subject Yee believed he was ultimately accountable to his station's Captain. Subject Yee added did not have a Detective Bureau Lieutenant. During this time there was a station Traffic Sergeant who supervised Subject Yee. Her name was Sergeant Pamala Brookwell (Subject Brookwell).

When asked if he knew the difference between an active and an inactive case, Subject Yee told investigators the following:

Subject Yee described an active case, as one which is currently being worked on. When asked if there was any set criteria that would make a case active, Subject Yee said there would have to be "workable" information, and/or suspect information. When asked what an example of "workable" information would be, Subject Yee responded by saying, "Suspect name, crime report, suspect name in the report." **[Transcribed Interview, Subject Jimmy Yee, Page 9]**. When asked what some examples of workable information would be in a traffic-type scenario, specifically in a hit and run case, Subject Yee gave the example of license plate information.

Subject Yee described an inactive case, as one with no workable information, other than a vague, general description. When asked if he had a case where a partial license plate had been identified, would be considered active or inactive, Subject Yee said it would be a "Pender." Subject Yee described a pender, as a case he put in a separate file and maybe have somebody else look at them, such as a Crime Analyst. Subject Yee added that he referred to them as penders, because he just threw the case into a file and if he had time to do it, he would, or he might find someone who had a different way of looking at it, review it. Subject Yee also described penders, as "mostly inactive." **[Transcribed Interview, Subject Jimmy Yee, Page 10]**.

When asked if he had access to [redacted], Subject Yee said he did, as of recently. Subject Yee was not exactly sure when he received access to [redacted] and he did not remember if he had access to [redacted] in the year, 2014. Subject Yee's understanding of the purpose of [redacted] was as a tracking system and a log. When you do work on a case, you would type what you did into [redacted] Once a case was getting close to being completed, the journal would get printed out and attached to the case. The case would then get turned into the Sergeant and the Sergeant would review it and then file it.

> **IAB Note:** [redacted]

When investigators attempted to clarify if [redacted] now took the place of the Investigator's Log in the case file, Subject Yee initially said, "Yes." **[Transcribed Interview, Subject Jimmy Yee, Page 12]**. Immediately after answering, Subject Yee said he could also just have a piece of paper and write the same information on it. When asked if he used a journal for all his cases, Subject Yee said he kept a paper journal, but not always. When asked to clarify what he meant by not always keeping a journal, Subject Yee said he did not keep a formal journal, but instead made a note. Subject Yee then attached the note to the left side of the folder. When asked if that is how he journals all of his cases, Subject Yee said, "Yes, something like that, yes." **[Transcribed Interview, Subject Jimmy Yee, Page 12]**. Subject Yee said he would update his journal if there was any workable information. If there was no workable information, he would not.

Subject Yee explained how he did not use [redacted] because he did not have time. Subject Yee further explained how he had approximately 1200 cases he worked on, in addition to reading reports. Subject Yee explained how when a fatal traffic collision occurred, the fatal would become the priority and the rest of the traffic cases would be put on hold, while he worked on the fatal.

> **IAB Note: A "Fatal" traffic collision is a traffic accident, in which one or more people die as a result of the injuries they sustained as a result of the collision.**

When asked how he would keep his supervisor, Subject Brookwell, updated on his cases, Subject Yee said she (Subject Brookwell), would look over traffic file logs, which all the traffic cases were logged into. Subject Brookwell would not review each case with Subject Yee, but would rather look at the log and ask him what he was doing with certain things. Subject Yee said this took place approximately once a month.

When asked if he was aware of "Field Operations Directive 11-01," which is the Department's Standardized Procedures for Detective Unit's Operations, Subject Yee said, "No." **[Transcribed Interview, Subject Jimmy Yee, Page 15]**. After investigators presented Subject Yee a copy of "Field Operations Directive 11-01" and asked him to review it, Subject Yee said he did not remember seeing the directive before. Subject Yee later said he could have seen the directive, but did not remember.

File #914-08890-0241-471
When asked about this traffic collision involving a bicycle and a pedestrian, which occurred on July 7, 2014, Subject Yee told investigators the following:

Both he (Subject Yee) and Subject Brookwell were notified of the accident and responded to the location between 0600-0700 hours. Subject Yee remembered Deputy Baca transported Party 1 to the hospital for a blood draw.

> **IAB Note: Deputy Baca wrote a supplemental report under the same file number, documenting his actions. Deputy Baca's original Supplemental Report was found in Detective Yee's case file.**

When asked why Deputy Baca's original supplemental report would still be in his case file, Subject Yee said, "It shouldn't be." **[Transcribed Interview, Subject Jimmy Yee, Page 17]**.

Subject Yee approved the first report for this collision, on September 11, 2014, which was sixty-six days after the collision. Subject Yee explained he had to go back to the scene with Deputy Lopez, in order to complete a factual diagram. Subject Yee further explained how he normally "takes it slow" and had been out to the scene three to four times, in order

to get exact measurements. When asked if sixty-six days was a reasonable amount of time to sign off a first report, given his training and experience, Subject Yee said it was reasonable. When asked if it was his job to review and approve the traffic reports, he said, "Yes." **[Transcribed Interview, Subject Jimmy Yee, Page 18].**

When asked if he ever personally received the results of Party 1's blood test, he could not remember. Subject Yee said if an involved party was tested for drugs, it usually takes approximately one month to get the results back. Subject Yee said if he had received the results of the blood test, he would have seen if this case was possibly a "Driving Under the Influence on a bicycle" case. If it was, Subject Yee would have written a supplemental report and presented it to the District Attorney's Office. When asked if he would ever approve a Driving Under the Influence traffic collision report prior to receiving the blood test results, or if he had to wait for the results to come back first, Subject Yee said he would "not necessarily" have to wait. **[Transcribed Interview, Subject Jimmy Yee, Page 20]**. Subject Yee would however, like to have the results of the blood test back, in order to make the Driving Under the Influence as the primary collision factor, throughout the report.

In regard to conducting follow up with this investigation, Detective Yee said he checked for surveillance footage of the accident, but there was none. Regarding the status of the pedestrian, Subject Yee believed the pedestrian passed away approximately sixty days later, but was not sure. When asked if he identified the pedestrian, Subject Yee said, "No," but he believed Subject Brookwell was working on that. **[Transcribed Interview, Subject Jimmy Yee, Page 21]**. When asked about the Department of Motor Vehicles photo that was inside his case file folder, Subject Yee said he believed he and Subject Brookwell thought the person pictured was the John Doe, but turned out not to be.

Subject Yee did not remember preparing any reports on this case. Subject Yee did not conduct any follow-up on this case. Subject Yee did not remember keeping a journal on this case.

When asked if he would consider this case to be an active or inactive case, Subject Yee said it would be an inactive case. Subject Yee's reasoning for this, was his belief the case was considered an injury report. When asked if there was any work left to be done on this case, Subject Yee said, "Only identify the John Doe, but that's it." **[Transcribed Interview, Subject Jimmy Yee, Page 22]**. When asked if he still thought the case would be considered inactive, since there was still work left to be done, Subject Yee said, inactive. When asked if having to identify the victim would be considered workable information, Subject Yee explained that as far as the crash itself, it would be considered inactive. At the same time, he would still try to locate and identify victims. Subject Yee said, it "could still be ongoing even though it was inactive, it could always be open." **[Transcribed Interview, Subject Jimmy Yee, Page 22]**. When asked if identifying victims is something we commonly do as a department, Subject Yee said, "Yes, we do."

When asked if there was set protocol for approving traffic reports, Subject Yee said traffic deputies need to turn in their reports within a couple days. If the report was for a fatal or near fatal, there was no timeframe. Subject Yee said he needed the face page, in order for the report information to be entered into [redacted] since that was the way the cases were tracked. They also needed the face page to know who was working on the report.

When reminded of how he had talked about [redacted] earlier and how it kept track of the thirty, sixty, and ninety day old cases, Subject Yee said, "Yeah, that's what the detectives use, but we never use the tracking of [redacted] When asked if a case was entered into [redacted] as active, even if it was still being investigated, if it would flag a supervisor to look at it after thirty days, he said, "Yes." **[Transcribed Interview, Subject Jimmy Yee, Page 24]**. Please see the copy of this case file, which is attached to this Investigative Summary as **[EXHIBIT B]**.

File #914-02756-0246-250
On February 26, 2014, Subject Yee remembered the hit and run incident, which was memorialized under the above indicated file number. Subject Yee acknowledged that Deputy Capilla authored the first report and he approved the report, on March 24, 2014. Subject Yee also acknowledged this case was assigned to him.

Subject Yee was unsure if this report was scanned into [redacted] but said it had been entered into [redacted] He would classify this report as active. **[Transcribed Interview, Subject Jimmy Yee, Page 25]**. When asked why the case was stamped as inactive at the top, Subject Yee said he did not know. Subject Yee said he may have stamped it, but he did not remember.

Subject Yee took the following actions on this case: He saw there was a vehicle impound for this case and said he always pulls the CHP-180's, so he should have done that. When asked if there was a case journal for this case, he said, "Yes." Subject Yee then said there should be "some notes," and the notes should be in the case file. **[Transcribed Interview, Subject Jimmy Yee, Page 26]**.

Subject Yee did not remember if he ever talked to the victim or the suspect. He did not write any supplemental reports for this case. He did not prepare any reports documenting his actions on this case. When asked if he sent the suspect, the registered owner of the vehicle a letter, Subject Yee said, "I don't see one in there. Probably no." When asked if he ever remembered going to the location of the accident, Subject Yee did not remember.

Subject Yee did not remember if he ever checked the location to see if there was any surveillance video. Checking for surveillance video was not something he would normally do on a hit and run investigation, but if the deputy tells me there's workable, there's video, then I would go back out." **[Transcribed Interview, Subject Jimmy Yee, Page 27]**. When asked if the deputy was the one who canvasses the area, Subject Yee said the deputy should.

When asked if he entered all the incoming traffic reports into [redacted] as inactive, Subject Yee said he did not do any of the data entry and that Traffic Secretary [redacted] did all the data entry into [redacted] According to [redacted], this case was made inactive on February 27, 2014, which was the day after the accident. When asked if there was any particular reason this case would have been made inactive, Subject Yee said, "No." Subject Yee said he never told Secretary [redacted] to enter this case as inactive in [redacted], nor did he ever tell anyone to enter the case as inactive in [redacted] Subject Yee was unaware this report was entered into [redacted] as inactive. Subject Yee said he does not tell the secretaries what to enter into [redacted].

Subject Yee said when he first received a report, he would make sure the report was entered into [redacted] by Secretary [redacted] in order to take it off the tracking. **[Transcribed Interview, Subject Jimmy Yee, Page 29]**. Subject Yee further described what he meant by explaining that all reports are tracked. As the reports are turned in, the reports are taken off the [redacted] tracking system. When he would get the face page of a report, he would give it to Secretary [redacted] and she would enter it into [redacted] When Secretary [redacted] finished entering the information on the face page into [redacted] she would make a notation on the face page, which showed it had been entered and then she placed the face page in a folder.

Subject Yee said if he had a folder, it meant a report was being worked on, until the final proof of the report came in. **[Transcribed Interview, Subject Jimmy Yee, Page 29]**. In this case, Subject Yee said he did not receive the first report until sometime in March. When asked to confirm the fact that he would not see the first report, even though he was the lead investigator on it, for such a long period of time, Subject Yee said, "No...Yeah, I wouldn't see it." **[Transcribed Interview, Subject Jimmy Yee, Page 30]**. Subject Yee added that in this case, he did not think he knew all the information on this report.

Subject Yee did not close this case out. Subject Yee explained how since nothing was done, it would just sit in the files. **[Transcribed Interview, Subject Jimmy Yee, Page 31]**. When asked if there was a specific closure code that would need to be used to close this case out, Subject Yee said he believed in [redacted] there was something, but he could not remember. Subject Yee said he never used [redacted] to close out cases. **[Transcribed Interview, Subject Jimmy Yee, Page 31]**. Subject Yee said he would just type up a Supplemental Report, saying the case was to remain inactive, pending further information and the Supplemental Report would close out the case. When asked where he would put that Supplemental Report, Subject Yee said it would go in the file, if he had time to write it up, which sometimes, he did not. **[Transcribed Interview, Subject Jimmy Yee, Page 32]**.

When asked if his closed files would eventually go to his sergeant for approval, Subject Yee did not think they followed that guideline. His cases would sit in the file cabinet. Subject Yee explained how sometimes involved parties would call and say they did not

want anything done with their case. If that was the case, Subject Yee said he would just write a "little memo note" and close it out. **[Transcribed Interview, Subject Jimmy Yee, Page 32]**.

Subject Yee described the "little memo notes" he was referring to, as either "Post-it" notes, a half sheet of paper out of a spiral notebook, or a half sheet memo from his desk. Subject Yee would write the information he received on one of these options and then place it inside the folder. When asked if he would ever go back and write a supplemental report with the information he wrote down, Subject Yee said he would if he had time. **[Transcribed Interview, Subject Jimmy Yee, Page 33]**. If he did not have time, Subject Yee would staple the notes he made to an eight and one half by eleven inch sheet of paper and fasten that sheet of paper in the folder, so it would not get lost. Subject Yee said this practice was unique to him and the reason he does it, is because he is busy.

After reviewing the case, Subject Yee did not believe he properly investigated this hit and run incident. Please see the copy of this case file, which is attached to this Investigative Summary as **[EXHIBIT C]**.

File #914-07561-0242-250
On June 8, 2014, Subject Yee remembered the hit and run incident, which was memorialized under the above indicated file number. Subject Yee did not respond to the location of this incident. Subject Yee acknowledged Deputy Gutierrez authored the first report and Subject Brookwell approved the report. Subject Yee also acknowledged this case was assigned to him and would classify this case as active, due to it having workable information, even though it was entered into [redacted] as inactive.

Subject Yee said he did not prepare any reports, documenting his actions in this investigation. When asked if he kept a case journal for this case, Subject Yee said there should be some loose notes placed in the file, if he made notes. Subject Yee did not remember talking to a victim regarding this case and if he had, he would have written a supplemental report documenting his interview. Subject Yee also did not remember talking to a suspect regarding this case. Subject Yee remembered making an attempt to identify the suspect and also sent the registered owner of the involved vehicle, a letter.

In this particular incident, Subject Yee remembered the registered owner of the vehicle came into the station and presented him with the Mexico Consulate Identification card, of who Subject Yee believed was possibly the suspect. Subject Yee made photo copies of the identification card and placed them in the case file. On the photo copies, Subject Yee saw some of his writing, which read "1400". This was an example of some of the notes Subject Yee was talking about.

Subject Yee remembered the time the people came into the station, was approximately two o'clock in the afternoon. He was ready to go home at that time, but went out to the front counter of East Los Angeles station, to see what they needed. After receiving the

information on the identification card, Subject Yee told them they needed to make an appointment for them to talk. Following this meeting, Subject Yee does not remember ever making an effort to go to the location where he was told the possible suspect resided, nor was there any written documentation showing he did. Subject Yee also did not remember if the possible suspect ever came into the East Los Angeles station, to talk about the incident with him. When asked why he would not have made the effort to go to the residence of the possible suspect that was provided to him, he said, "I could be busy with other things, other cases. **[Transcribed Interview, Subject Jimmy Yee, Page 39]**. Subject Yee said he also might have talked to the other party involved, who might have told him they did not want anything done, but he was not sure. There was no case journal or supplemental reports written for this case.

When asked if he would still follow up on hit and run cases criminally, or if insurance settled out with the victim, he would just leave the case alone, Subject Yee explained that it depended on what the victim wanted. Normally, he would not do anything with the case, but if he had a positive identification of the suspect, he would present the case to the District Attorney's office.

Subject Yee did not have a reason as to "why" this case had been entered into [redacted] as inactive, nor did he ever tell Secretary [redacted]o enter this case as such. When asked if secretaries on our Department had the authority to classify cases, Subject Yee did not know. When asked if inactive cases showed up on a [redacted] tracking report, he said, "Yes." **[Transcribed Interview, Subject Jimmy Yee, Page 41]**. Subject Yee did not have a reason as to "why" this case had been cleared out by Secretary [redacted] as [redacted] Information Only, No Crime." Subject Yee did not know whether secretaries on our Department had the authority to close out cases however they wanted. Subject Yee said he did not close this case.

Subject Yee never attempted to locate the suspect in this crime. Subject Yee never made a personal effort to obtain any video surveillance of the incident. Even though Subject Yee acknowledged a crime occurred, the case was never presented to the District Attorney's office. When asked if he thought he properly investigated this incident, Subject Yee said, "Half- Yes; half- No. I should have done a better job probably, but I don't know." **[Transcribed Interview, Subject Jimmy Yee, Page 43]**. Please see the copy of this case file, which is attached to this Investigative Summary as **[EXHIBIT D]**.

File #914-08280-0244-250
On June 24, 2014, Subject Yee remembered the hit and run incident, which was memorialized under the above indicated file number. Subject Yee acknowledged Deputy Gutierrez authored the first report and was not sure who approved the report. Subject Yee thought he might have approved the report, due to the fact he found a memo written by him, authorizing a hit and run letter to be sent out. Subject Yee acknowledged this case was assigned to him and that he would have classified this case as active, due to it having workable information. Subject Yee did not know why the case had been entered

into [redacted] as inactive, nor why it was closed out as [redacted] Information Only, No Crime," the day after the incident.

In regard to the investigative actions taken on this case, Subject Yee sent out a letter to the registered owner of the involved vehicle. Once the letter had been sent out, Subject Yee would wait for the registered owner to respond. This was the extent of the investigative work Subject Yee put into this case.

Subject Yee did not keep a case journal for this case, nor did he write any supplemental reports documenting his actions on this case. Subject Yee never talked to the victim nor tried to locate a suspect in this case. Subject Yee did not make any attempt to identify the suspect, besides the letter. Subject Yee could not remember if he had received any correspondence back, from the registered owner. Subject Yee never responded to the location of the incident, nor did he attempt to locate any surveillance video of the incident. Subject Yee did not make any attempts to put a photographic line-up together, in order try to identify a suspect.

When asked if he felt it was his responsibility to go out and do follow up work on his cases, Subject Yee explained it should be his responsibility, but due to the fact he was handling over 1200 cases, along with reading reports, he did not have the time to go out. **[Transcribed Interview, Subject Jimmy Yee, Page 51]**. Subject Yee said he and Subject Brookwell advised Captain Romero, Captain Wolak, and Captain Biagini that they could use some help, but were told the county was short and to do the best they could. **[Transcribed Interview, Subject Jimmy Yee, Page 52]**.

When asked if he felt he properly investigated this incident, he said, "Yes," with the information he had. **[Transcribed Interview, Subject Jimmy Yee, Page 54]**. Please see the copy of this case file, which is attached to this Investigative Summary as **[EXHIBIT E]**.

File #914-15311-0262-250
On November 21, 2014, Subject Yee remembered the hit and run incident, which was memorialized under the above indicated file number. Subject Yee acknowledged Deputy Granados authored the first report and he approved the report. Subject Yee also acknowledged this case was assigned to him and he would have classified this case as active, due to it having workable information.

This report was entered into [redacted] as inactive. Subject Yee said it was not his decision to enter this case into [redacted] as inactive, nor did he tell Secretary [redacted] or hear anyone else tell Secretary [redacted] to enter this case as inactive. **[Transcribed Interview, Subject Jimmy Yee, Page 59]**. Subject Yee did not personally enter this case into [redacted] as [redacted] Information Only report, No Crime." To his knowledge, this case could have still been sitting on his desk, when he was Relieved of Duty.

In regard to the investigative actions taken on this case, Subject Yee sent out a "Hit and Run" letter to the registered owner of the involved vehicle. Subject Yee did not complete a case journal for this case, nor did he write any supplemental reports documenting his actions on this case. Subject Yee did not talk to the victim, nor did he talk to the suspect. The only way he attempted to identify a suspect, was by sending a "Hit and Run" letter to the registered owner of the vehicle. **[Transcribed Interview, Subject Jimmy Yee, Page 60]**. Subject Yee never responded to the location of the incident, nor did he make any attempt to locate any surveillance video of the incident.

Included in the case file, was a copy of a photograph of a female inside a vehicle, as well as a picture of a license plate. Subject Yee believed the victim took the photo and Deputy Granados put the photo in the report. The picture of the license plate, was that of the alleged suspect's vehicle. Based on the fact Subject Yee had a photo of the alleged suspect, as well as the alleged suspect's vehicle, Subject Yee was again asked if he did any further investigative follow-up. Subject Yee did not. **[Transcribed Interview, Subject Jimmy Yee, Page 62, 63]**. Subject Yee did not think the victim wanted anything done, but he was not sure **[Transcribed Interview, Subject Jimmy Yee, Page 64]**. When asked if he would write a supplemental report, documenting his conversation with the victim, Subject Yee said he would. Subject Yee said if a victim told him their insurance company had already paid for the damages to their vehicle, and they (victim) did not want anything else done, he would close the case, regardless of whether there was further workable information or not. **[Transcribed Interview, Subject Jimmy Yee, Page 65]**. In regard to felony hit and runs' though, Subject Yee said he would always present those cases to the District Attorney's office.

When asked how many of those cases were presented using only the first report, Subject Yee said it was rare. When asked if he did investigative follow-up on most of the cases he presented to the District Attorney's office, he said "Yeah." He would get the suspect to come into the station, interview them, type out a supplemental report and then submit it to the District Attorney. **[Transcribed Interview, Subject Jimmy Yee, Page 62]**.

When asked if he felt like he exhausted everything he could have done for this case, Subject Yee said, "Yes, I do." **[Transcribed Interview, Subject Jimmy Yee, Page 67]**. Please see the copy of this case file, which is attached to this Investigative Summary as **[EXHIBIT F]**.

File #014-09136-0246-470

On July 12, 2014, Subject Yee remembered being called out and responding to the fatal traffic accident, which was memorialized under the above indicated file number. Subject Yee acknowledged that Deputy Huerta authored the first report and he approved the report on September 25, 2014, seventy five days after the accident. Subject Yee also acknowledged this case was assigned to him and he would have classified this case as inactive, upon completion of the report.

Subject Yee explained the reason this report was not approved until seventy five days after the accident, was due to it being a fatal investigation and needed a factual diagram completed. Another reason it took some time was because one of the trucks involved was a commercial vehicle, [redacted] and this was the second accident there had been involving the [redacted] on Slauson Avenue. **[Transcribed Interview, Subject Jimmy Yee, Page 68]**.

Subject Yee also explained that sometimes he would wait for the Coroner's report, before approving the first report. Subject Yee was not sure if it was Departmental protocol or not, but he liked to wait, so he could match the primary collision factors of the accident, with the toxicology report. **[Transcribed Interview, Subject Jimmy Yee, Page 69]**.

When asked what actions he took on this case, Subject Yee said he wrote a supplemental report and spoke to District Attorney Robert Nishinaka. The supplemental report Subject Yee wrote, included the findings of the toxicology report. Subject Yee did not actually take the case down to the court for filing, but instead just verbally explained the case to District Attorney Nishinaka. Subject Yee said he probably should have filled out a filing sheet and presented the case to the District Attorney, so he could have something to put in the file, but he did not. **[Transcribed Interview, Subject Jimmy Yee, Page 71]**.

Subject Yee did not keep a case journal for this case, but said he should have kept one. **[Transcribed Interview, Subject Jimmy Yee, Page 72]**. Subject Yee could not remember if he interviewed the driver of th[redacted]truck or not. There was a compact disc containing surveillance video of the accident, in the case file. Subject Yee could not remember if he had booked the video into evidence, nor could he remember exactly who he obtained the video from.

There was also a handwritten note inside the case file, which were not included with the first report. Subject Yee knew Deputy Huerta received the note, due to the fact he recognized Deputy Huerta's writing at the top of the note. **[Transcribed Interview, Subject Jimmy Yee, Page 75]**. Subject Yee agreed that the original copy of the note should have been booked into evidence. Subject Yee said he would have told Deputy Huerta he needed to book it into evidence, if Deputy Huerta would have asked. **[Transcribed Interview, Subject Jimmy Yee, Page 75]**.

The vehicle involved in this accident, was initially impounded as evidence and then released. When asked if he ever inspected the vehicle, Subject Yee said he had not. **[Transcribed Interview, Subject Jimmy Yee, Page 76]**. Subject Yee said the reason the vehicle had been impounded, was probably because of the death and unless there was a mechanical failure, there would not have been any evidentiary value to the vehicle.

When asked why, on September 25, 2014, he authored a supplemental report, changing the classification of the report to inactive, rather than just closing the case altogether, Subject Yee explained there was nothing more he could do, other than present the case

to the District Attorney. Subject Yee said every time he would personally make a report inactive, he would write a supplemental report. Subject Yee further explained how that was the way he had been trained. **[Transcribed Interview, Subject Jimmy Yee, Page 78]**. Subject Yee felt he properly investigated this accident. Please see the copy of this case file, which is attached to this Investigative Summary as **[EXHIBIT G]**.

File #014-09407-0244-470
On July 17, 2014, Subject Yee remembered being called out and responding to the fatal vehicular manslaughter accident, which was memorialized under the above indicated file number. Subject Yee acknowledged that Deputy Gonzaga authored the first report and he approved the report on October 27, 2014, one hundred and two days after the accident. Subject Yee also acknowledged this case was assigned to him and he would have classified this case as active, upon completion of the report.

When asked why this report was not approved until one hundred and two days after the accident, Subject Yee said it was due to Deputy Gonzaga working a regular traffic car and not having the time to write this report. Subject Yee considered this a reasonable amount of time for the report to be turned in and signed off. Subject Yee did not make any efforts to notify a supervisor on her shift, to make them aware he was waiting on a report. Subject Yee would however, notify Sergeant Brookwell. **[Transcribed Interview, Subject Jimmy Yee, Page 82]**.

When asked what actions he took on this case, Subject Yee said he would have interviewed the driver of the Acura. During the interview, Subject Yee took notes. Soon after Subject Yee finished his interview, he wrote a supplemental report. Subject Yee then submitted the supplemental report to Sergeant Brookwell and once the report was approved, he would place a copy of the report in his case file. **[Transcribed Interview, Subject Jimmy Yee, Page 83]**. Due to the fact a supplemental report was not found inside the case file, Subject Yee was asked to confirm that a supplemental report was approved and sent to the secretary. Subject Yee could not remember, but thought it had been.

IAB Note: There was no supplemental report entered into [redacted] under this file number, that was authored by Subject Yee.

Included in the case file was an "Admonition and Waiver of Rights" form, which had been used by Detective Yee when he interviewed the suspect. Also included in the case file were miscellaneous handwritten notes on loose sheets of paper, which Subject Yee had identified as his notes. One of the notes included an address and one of the notes had "07-22-14/ 1310" written on it. When asked if this would be an example of what he was referring to as a case journal, Subject Yee said, "Yes." **[Transcribed Interview, Subject Jimmy Yee, Page 85]**. Other than the date and time documented on the top of one of the loose sheets of paper, Subject Yee did not complete a case journal for this case.

Inside the case file, there was also a type written statement from [redacted], who was not mentioned in the first report. When asked how [redacted] statement had been obtained, Subject Yee did not know for sure, how or when this statement had been obtained. **[Transcribed Interview, Subject Jimmy Yee, Page 94]**. Included in the case file, was a [redacted] printout for a 2007, Toyota Rav 4, Sport Utility Vehicle. According to Witness [redacted], he had seen the suspect vehicle and a white Sport Utility Vehicle on the roadway, both driving at a high rate of speed. When asked if he had conducted any further follow-up on Witness [redacted] statements, Subject Yee said, "I did not." **[Transcribed Interview, Subject Jimmy Yee, Page 95, 96]**.

> **IAB Note:** [redacted] **In this program, a trained person has the capability of looking up a vehicle's information, as well as the Registered Owner's information, when you enter a license plate**.

The vehicle involved in this accident, was initially impounded as evidence and then transferred to one of the Department's long term storage facilities. When asked if he ever inspected the vehicle or if the Crime Lab ever came out and inspected the vehicle, Subject Yee said no. **[Transcribed Interview, Subject Jimmy Yee, Page 98]**. Subject Yee said the reason he held the vehicle, was in case claims were made indicating there were mechanical issues with the vehicle. Subject Yee said in felony cases, he holds the vehicle. Subject Yee did not know of any policy dictating this procedure, but said he was trained to hold onto the vehicle until the District Attorney decided it was not needed anymore. **[Transcribed Interview, Subject Jimmy Yee, Page 99]**. Please see the copy of this case file, which is attached to this Investigative Summary as **[EXHIBIT H]**.

This case was taken from Subject Yee by Witness [redacted] before he was able to present the case to the District Attorney's office. At the time it was taken away from him, Subject Yee thought he properly investigated this incident.

When asked what he would do with a report once he approved it, Subject Yee told investigators the following:

When the reports initially came in, Subject Yee would double check, to make sure the file numbers matched the [redacted] printout. Subject Yee did this to ensure all traffic reports were turned in. Once the report was approved, Subject Yee would give it to Witness [redacted] and she would process it. During this time period, the face page of a report would be given to Witness [redacted] for data entry purposes, prior to being approved by him (Subject Yee).

Subject Yee would stamp the reports as inactive, give them to Witness [redacted] and Witness [redacted] would enter the reports into [redacted] If he missed stamping a report, Witness [redacted] would let him know and then would sometimes stamp the report herself.

The majority of times, Subject Yee would stamp the incoming reports with their status and then give them to Secretary [redacted] **[Transcribed Interview, Subject Jimmy Yee, Page 101]**.

Subject Yee told investigators the following **[Transcribed Interview, Subject Jimmy Yee, Page 101-105]**:

- He never told Witness [redacted] or any Traffic Secretary to enter incoming traffic reports as "INACTIVE."

- He never told Witness [redacted] to enter incoming traffic reports with [redacted] No Further Workable Information," when closing them out.

- He never told Witness [redacted] to enter only Party 1's information as well as the location of occurrence into [redacted]

- He never told Witness [redacted] that his reasoning for having the reports entered like that, was to keep everything "In House."

    IAB Note: "In House," meaning the way in which things are done in the traffic office at East Los Angeles Station, are to their own independent standard and do not conform to the standard and procedures the rest of the Department is following.

- He never told Witness [redacted] to enter all the incoming reports as "INACTIVE," in order for them not to show up on a [redacted] tracking report.

- He never told Witness [redacted] not to say anything to anyone, regarding how things were entered into [redacted] in the traffic office.

- He never told any secretaries to change cases from "PENDING" to "INACTIVE," ever.

- He has never made these changes in [redacted]

Subject Yee said he never removed any traffic cases or traffic case files, from the traffic office at East Los Angeles Station **[Transcribed Interview, Subject Jimmy Yee, Page 108]**.

I showed Subject Yee a video from the morning of September 3, 2015. Please see the copy of the video, which is attached to this Investigative Summary as **[EXHIBIT I]**. The video showed an individual who was wearing a Sheriff's Department Class-A uniform, walking across the parking lot of East Los Angeles Station with what appeared to be two

boxes in his hand. The individual walked up to a blue vehicle, opened the rear passenger side door and put the boxes inside the vehicle. The individual then closed the door and walked away from the vehicle.

Subject Yee said the individual in the video did not look like him, so he could not say for certain whether that was him, or not. When Subject Yee is working, he said he does wear a Class-A uniform, with a pancake holster. Subject Yee said he did have a blue Honda, which nobody else had access to. When asked if he ever remembered taking boxes out to his vehicle, Subject Yee said he took boxes containing recyclables to his vehicle all the time. **[Transcribed Interview, Subject Jimmy Yee, Page 111]**. Subject Yee said there were no cases inside the boxes.

Subject Yee said sometimes he would bring cases he was working on home with him, but did not have any case files at his house currently. Subject Yee said he has approximately three to four copies of old fatal reports he keeps at his house, to use as examples. They are not case files, but are reports from cases that have already been closed.

SUBJECT PAMALA A. BROOKWELL

On Friday, February 26, 2016, IAB Sergeants [redacted] and Brenda Gibson interviewed Subject Brookwell at the Internal Affairs Bureau office. Attorney Jim Cunningham from the law firm of Hayes and Cunningham attended the interview, representing Subject Brookwell.

Subject Brookwell has been employed by the Los Angeles County Sheriff's Department, for twenty eight years. [redacted] Subject Brookwell has been assigned to East Los Angeles station, since 2004.

Subject Brookwell is currently assigned as the Traffic Sergeant for East Los Angeles station and has been working in that capacity, since January of 2006. While working as a station Traffic Sergeant, Subject Brookwell described her job responsibilities as supervising Subject Detective Yee, Witness Traffic Secretary [redacted] Law Enforcement Technician [redacted], and motorcycle deputies Vic Palacio, Gabe Brendan and Robert Cisneros.

[redacted] Please see the attached copy of Subject Brookwell's training records, which are attached to this Investigative Summary as **[MISCELLANEOUS DOCUMENTS]**. Subject Brookwell acknowledged she knows how traffic related accidents are supposed to be investigated,

how hit and runs are supposed to be investigated, and how traffic related fatalities are supposed to be investigated. Subject Brookwell agreed that it was fair to say she had an ample amount of traffic training, along with field experience, to know how traffic investigations are supposed to be handled. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 6]**.

Subject Brookwell was asked if she knew how a Traffic accident Investigation, or a Fatal Traffic Investigation was supposed to be documented. Subject Brookwell told investigators the following: The first report would be written by the first responding deputy. There may also be additional supplemental reports written by people, if they interviewed people, or located evidence. Subject Brookwell explained how if the first report covered everything, supplemental reports would not be necessary. If the actions taken by a person were not included in the first report, then a supplemental report would have to be written to document those actions. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 7]**.

When asked if she ever approved any supplemental reports written by Subject Yee, Subject Brookwell said, "Yes." **[Transcribed Interview, Subject Pamala A. Brookwell, Page 8]**. Subject Brookwell explained that Subject Yee would write a supplemental report on every fatal. Subject Brookwell said the purpose for Subject Yee writing a supplemental report on every fatal traffic accident, was because he does investigative work on it. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 8]**. Once the supplemental report had been signed off, the report would be processed and scanned into [redacted], by the secretary.

When asked if she would always see what work Subject Yee had done on the fatal traffic accidents, Subject Brookwell said, "I think for the most part, I did." Subject Brookwell agreed it would be uncommon for an investigator not to do any investigative work on a fatal traffic accident. Subject Brookwell explained how it was an investigator's job to investigate. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 8]**.

Subject Brookwell explained that a "Hit and Run" letter would be sent out to the registered owner of a vehicle, to let them know their vehicle had been involved in a collision and they needed to contact the assigned investigator. Subject Brookwell considered the "Hit and Run" letter being sent out to the registered owner, as follow-up investigation. Even if there was a license plate identifying the involved vehicle, Subject Brookwell would not expect anything more to be done by the investigator, other than the letter being sent out. Subject Brookwell's reasoning for this was that by sending the letter, the registered owner was being notified their vehicle was seen at a collision. If there was no response to the letter, the investigator could go from there. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 9]**.

Sergeant Brookwell has attended [redacted]raining and described its purpose as a statistical reporting program. Subject Brookwell told investigators she never went into

[redacted] to make any entries or changes to the status of reports, so she was not sure if she had access to make entries. Subject Brookwell only used [redacted] to pull up URN logs. Subject Brookwell did not use [redacted] to manage cases, nor had anyone ever told her to use [redacted] to manage cases. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 11]**.

> **IAB Note: "URN" is an acronym for <u>U</u>niform <u>R</u>eporting <u>N</u>umber. This number is assigned to a report/ incident for identification and tracking purposes. This number is unique to the incident it is assigned to and is not used for any other incident.**

Subject Brookwell described an inactive case, as a case "You're not working on." Subject Brookwell described an active case, as a case that is being actively investigated or worked on. When asked what would constitute an active case, Subject Brookwell said, "Anything that needs more investigating done on a case." When asked if there was any set criteria that makes a traffic case active, Subject Brookwell explained it would be incidents that need more investigative work and follow-up. Subject Brookwell was then presented with the Los Angeles County Sheriff's Departments Manual of Policy and Procedures section 5-05/050.10, titled "Traffic Collision Reports, CHP-555." This section clearly defines "workable information," in regard to traffic reports. Please see the attached copy of this section, which will be attached to this Investigative Summary as **[MISCELLANEOUS DOCUMENTS]**. After reviewing the section, Subject Brookwell continued to answer investigator's questions, from the perspective of a Watch Sergeant and not of a Traffic Sergeant. **[Transcribed Interview, Subject Pamala A. Brookwell, Pages 12-14]**.

Subject Brookwell had access to [redacted] but never used it. Subject Brookwell never attended training for the [redacted] program. Subject Brookwell knew that [redacted], was a Detective Bureau system which probably had to do with tracking their cases. Subject Brookwell did not use the [redacted] program or the [redacted] program, in order to assign or track Subject Yee's cases. Subject Brookwell has never entered or assigned cases to Subject Yee. Subject Brookwell said she had never been taught to enter and assign reports to her detective, nor had she ever been told to do that. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 15, 16]**.

Subject Brookwell kept herself updated on Subject Yee's cases, with a paper log which listed all the traffic cases on it. She would go into the file cabinet whenever she wanted to review cases. The log was in a notebook, which sat on top of a file tray on one of the desks in the office, so anyone could come in and access it. The information on the log, was the [redacted] number, the date the [redacted] was pulled, the deputy who was writing the report, and the last names of the parties involved. There was also a column to record the date the report is turned in, as well as when it was processed by the secretary. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 18]**.

When asked what her role was in the Traffic office, as far as supervision, assigning reports, and monitoring Investigator Yee's work was, Subject Brookwell said she would sign off Subject Yee's supplemental reports. Subject Brookwell would also sign off traffic reports Subject Yee would write, while working overtime as a Traffic car in the field. Sergeant Brookwell also assisted Subject Yee with investigations. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 16]**.

When asked if she was aware of Field Operations Directive 11-01, the "Standardized Procedures for Detective Unit Operations," Subject Brookwell acknowledged she had seen it. Investigators presented Subject Brookwell with a copy of the Directive and after reviewing it, Subject Brookwell said she did not see anything on it, pertaining to traffic. When asked if Traffic Investigators were held to the same standard as the detective Division, Sergeant Brookwell said, "No, never have been." When asked who her supervisor was, Sergeant Brookwell said as of the last couple years, the Detective Bureau Lieutenant has been. Prior to the Detective Bureau Lieutenant, her supervisor had been the Operations Lieutenant. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 19]**.

When asked what the standard was for a traffic investigator, in regards to how their cases were set up, Sergeant Brookwell was not aware if there was a Department standard. Subject Brookwell knew Subject Yee always put his cases in manila folders. In some of Subject Yee's cases there would be an Investigator's Log, but not all of them. In cases involving "Hit and Runs," Subject Brookwell remembered Subject Yee keeping an on-going log, on what she described as a yellow tablet. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 22]**.

No one ever told Subject Brookwell the above way of keeping a case file was incorrect. Sergeant Brookwell explained how their Traffic office was inspected every year and they always passed their inspections. During those inspections, the people conducting the inspection would go into the file cabinets where all their cases were kept and take out whatever they wanted to take out, as part of the inspection. [**Transcribed Interview, Subject Pamala A. Brookwell, Page 23]**.

When asked if she was aware of the Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 4-01/005.20, "The responsibilities of the Detective Sergeant," Sergeant Brookwell said, "No, not offhand." When asked if she had been reviewing all Subject Yee's cases, in order to determine they had been appropriately classified as active or pending, Subject Brookwell said she did not think this section applied to them, in "Traffic." Regardless, Subject Brookwell said she reviewed most of them and Gabe (Brendan), reviewed some as well. Subject Brookwell said it was the sergeant's responsibility to ensure a case was closed out. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 24]**. When asked whose ultimate responsibility it

was to determine the classification of a case, Subject Brookwell said, "I think it's a sergeant." **[Transcribed Interview, Subject Pamala A. Brookwell, Page 25]**.

File #914-07561-0242-250
On June 8, 2014, Subject Brookwell remembered being the traffic sergeant assigned to East Los Angeles station. Subject Brookwell was not familiar with this incident, but was able to familiarize herself with it, by reviewing a copy of the report. Subject Brookwell approved this report, on June 18, 2014. Investigators showed Subject Brookwell that the case had been entered into [redacted] as inactive, on June 9, 2014. When asked how she would classify this report, Subject Brookwell said she would classify it as active and that follow-up should be done. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 27]**.

Given the fact the report was entered into [redacted] as inactive, on June 9, 2014, but was not approved by Sergeant Brookwell until June 18, 2014, Sergeant Brookwell was confused in regard to how the report was entered into [redacted] before it had even been turned in. After reviewing the [redacted] entry sheet, which was attached to the report, Subject Brookwell saw the entry had been made by Secretary [redacted] who was assigned as the East Los Angeles station Traffic secretary. As far as Subject Brookwell knew, secretaries did not have the authority to classify reports. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 28]**. Subject Brookwell did not have an explanation as to why this report had been entered into [redacted] prior to being approved. Subject Brookwell did not believe this case should have been made inactive, without proper investigation. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 31, 32]**. Subject Brookwell believed this case was entered inaccurately and therefore felt it was unacceptable. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 35]**.

When asked what the process was, when a report was first turned in, Subject Brookwell told investigators the following:

The report would first be turned into the Watch Sergeant's office, where it would be checked off the Uniform Reference Log, acknowledging it had been turned in. After the report was checked in by the Watch Sergeant, it would be placed into a tray on the Watch Sergeant's desk, which was designated for "Traffic." Periodically, the tray would be checked for new reports. There was also a tray designated for "Traffic," in the secretariat section of the station, so they would also check that tray for new reports. The reports would then be brought back to the Traffic office, where they would be approved by her or Subject Yee. Subject Brookwell explained that Subject Yee approved approximately ninety-five percent or more, of the incoming reports. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 28, 29]**. Once the report was completed and signed off, it would be given to the Traffic secretary, to enter it int[redacted] Then, Subject Yee would get it, so he (Subject Yee), could start his investigation on it.

When asked if there is a standard in regard to how soon after a traffic accident, the report should be turned in, Subject Brookwell told investigators the following:

All traffic reports are supposed to be turned in the day of the accident. If the report is not completed, there was supposed to be a deferral slip filled out for it. Subject Brookwell believes traffic deputies in general, believe they have ten days to complete a report. Subject Brookwell reiterated the fact that traffic reports are supposed to be turned in, the day of the accident. If the report could not be completed and it was deferred, the report would need to be completed on the handling deputy's next shift back. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 29]**.

Subject Brookwell was the one in the Traffic office, who made sure reports were being completed in a timely manner. Subject Brookwell would run Uniform Report Number Logs, to see if there were any outstanding traffic reports. If there were, she would send email notices to the handling deputies, telling them they needed to get their reports turned in. At the same time, she would also carbon copy the watch sergeants, as well as the Watch Commanders, to the emails she would send the deputies, in an effort to gain their help. Subject Brookwell would also post the logs, displaying the delinquent reports, in the window of the Watch Sergeant's office for deputies to come by and see if they were on the list or not. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 30]**.

Subject Brookwell said she (Subject Brookwell) did not enter cases into [redacted] as inactive, nor did she know of traffic reports being entered as inactive, at East Los Angeles station. Subject Brookwell did not know if inactive cases showed up on a [redacted] tracking report, nor did she know if inactive cases showed up on a [redacted] thirty day, sixty day, or ninety day exception list.

Subject Brookwell never told any traffic secretary, or Secretary [redacted] to enter incoming traffic reports as inactive, nor had she (Subject Brookwell) heard anyone else tell Secretary [redacted] to enter reports in this manner. Subject Brookwell never told Secretary [redacted] to close cases out in [redacted] using [redacted] "Information Only, No Crime." Subject Brookwell was unfamiliar with [redacted] so she was unsure if there was any way to track cases which were closed out with that clearance code. Subject Brookwell never told Secretary [redacted] to enter only "Party 1's" information, as well as the location the accident occurred, into [redacted] Subject Brookwell never told Secretary [redacted] the reason for entering the reports in the above manner, was so they would not show up on the [redacted] tracking report system, nor did she ever tell Secretary [redacted] not to say anything to anyone regarding how traffic reports were being entered at East Los Angeles station. Subject Brookwell never told Secretary [redacted] not to trust anyone else or to say anything to anyone else regarding what was going on, nor did she tell Secretary [redacted] not to talk about the operational side of the traffic office, outside the traffic office. Subject Brookwell never told Secretary [redacted] not to give anyone any reports or statistics, without giving them to her first, to review. Subject Brookwell never changed cases from pending

to inactive, nor did she ever tell any secretaries to enter reports in such a manner. **[Transcribed Interview, Subject Pamala A. Brookwell, Page 33, 34]**.

Subject Brookwell remembered Secretary [redacted] being assigned to the Traffic office at East Los Angeles station, sometime in the middle of the year 2010. Subject Brookwell worked with Secretary [redacted] all the way up until Secretary [redacted] left, which was at the end of January, 2015. During that time period, Subject Brookwell worked with Secretary [redacted] directly, with the exception of an extended period of time off Subject Brookwell had to take off.

WITNESS [redacted]

On Tuesday, January 19, 2016, IAB Sergeants [redacted] and Brenda Gibson interviewed Witness [redacted] in the Captain's Conference Room at East Los Angeles Sheriff's station.

Witness [redacted] has been employed by the Los Angeles County Sheriff's Department, for approximately twenty nine years. [redacted] Witness [redacted] has been assigned to East Los Angeles station for approximately five years. At the time of this interview, Witness [redacted] was assigned to the Traffic office and also had collateral duties he was responsible for. Witness [redacted] was assigned to the traffic office, to fill in behind the previous sergeant, Subject Brookwell, who was off, due to being injured on duty.

Being assigned as the Traffic Sergeant, Witness [redacted] primary responsibility was to supervise the deputy and civilian personnel assigned to the traffic office. Witness [redacted] would also read and approve traffic reports, as well as monitor all correspondence that came through the traffic office. Witness [redacted] would also respond to fatal traffic accidents, along with the traffic investigator.

Witness [redacted] authored a memorandum to East Los Angeles Captain Steven E. Biagini, dated April 30, 2015, regarding Subject Yee's performance and the substandard state of the East Los Angeles traffic office.

Prior to Witness [redacted] being assigned to the traffic office, there had been no sergeant assigned. Subject Yee and Law Enforcement [redacted] were in the office taking care of everything. When he was assigned to the traffic office at East Los Angeles station, Witness [redacted] was asked to make note of any deficiencies, or anything that might need correction or changes. **[Transcribed Interview, Witness Thomas [redacted] Page 4]**.

Witness [redacted] saw that Subject Yee was reading and approving all the incoming traffic reports, as well as handling his caseload. Witness [redacted] began looking at how the report entry and data entry was going with the secretary. During this time, Witness [redacted]

received phone calls from people, inquiring about their traffic reports. Witness [redacted] saw the traffic office had a different way of processing reports, in comparison to how he had known them to be processed. Witness [redacted] found that sometimes a copy of the report would go to the traffic secretary for entry into [redacted] and [redacted], before Subject Yee had approved it. **[Transcribed Interview, Witness Thomas [redacted] Page 4, 5]**.

> **IAB Note:** [redacted].

Witness [redacted] knew the above process was not right. Witness [redacted] knew [redacted] was designed for our department to help track reports. Once reports were entered into [redacted] it deemed those reports had been completed, meaning signed off and approved. Witness [redacted] explained how, if you ran the traffic reports in [redacted] back then, they (East Los Angeles Traffic), did not show any missing reports. The information was not accurate, since the complete report had not been approved, prior to the information being entered into [redacted] In doing this, Witness [redacted] said they were bypassing the check and balance system set into place, in order to make sure reports were turned in. **[Transcribed Interview, Witness Thomas [redacted] Page 5]**.

After further research, Witness [redacted] found very little being done on some of the cases. Witness [redacted] asked Subject Yee, for a list of all the active cases he was working. He received an email from Subject Yee, listing his cases. Witness [redacted] noticed Subject Yee did not include a fatal traffic accident, on his list of active cases, which he (Witness [redacted] thought should have been listed. **[Transcribed Interview, Witness Thomas [redacted] Page 5, 6]**.

Prior to Witness [redacted] being assigned to the traffic office, Subject Yee was the person who was reading and approving most of the traffic reports. Witness [redacted] pointed out, Subject Yee was holding off on approving the first report until the Coroner's report came back and everything was included in the first report.

> **IAB Note:** **Witness [redacted] explained the way it was supposed be done, was the first report should be turned in with the preliminary information the handling deputy gathered and the rest of the information the Investigating Officer received, should have been documented on supplemental reports.**

Witness [redacted] found that none of the fatal traffic reports had been scanned into [redacted]. **[Transcribed Interview, Witness Thomas [redacted] Page 7]**. Witness [redacted] found all the original reports, for fatal traffic accidents, still in the files. **[Transcribed Interview, Witness Thomas [redacted] Page 15]**.

Witness [redacted] found workable information in Subject Yee's case files, which was not investigated appropriately. Using the example of "Hit and Run" cases, Witness [redacted] found that Subject Yee's primary method of investigation, was to mail a letter to the registered owner of the vehicle. These letters could only be sent out, if there was a license plate identifying the vehicle which fled the scene of the accident. Mailing the letter, would be the extent of Subject Yee's investigation. Witness [redacted] saw Subject Yee's lack of effort to further identify a suspect in "Hit and Run" cases with license plate information, as "substandard." Witness [redacted] found this method of handling "Hit and Run" cases, to be a pattern with Subject Yee. **[Transcribed Interview, Witness Thomas [redacted] Page 8]**.

While reviewing Subject Yee's cases, Witness [redacted] saw Subject Yee did not have any sort of standard to how he did things. Witness [redacted] knew that all "Hit and Run" reports containing license plate information, should be considered active reports and should have a case file for them, but the reports did not. Subject Yee would simply have a copy of the report, with the letters that were sent out to the registered owners, stapled to the report. **[Transcribed Interview, Witness Thomas [redacted] Page 16]**. Subject Yee had loose pieces of scratch paper with notes on them, but no journal documenting who he talked to regarding a case or when he talked to them. Witness [redacted] saw in some cases Subject Yee had some printouts, indicating he had done something, but in most cases, Witness [redacted] had to just read the report and start from scratch. **[Transcribed Interview, Witness Thomas [redacted] Page 15]**.

After East Los Angeles station had begun an "In-House" investigation, Witness [redacted] was asked by Detective Bureau Lieutenant Carlos Parga, to retrieve a report for him, for review. When Witness [redacted] went to retrieve the report, he found that an approximate two to three inch section of reports, was missing from the file cabinet drawer. **[Transcribed Interview, Witness Thomas [redacted] Page 16]**. Witness [redacted] wrote an email to Lieutenant Parga. Please see the email, which will be attached to this Investigative Summary, as **[EXHIBIT J]**.

Witness [redacted] was asked to review the station's exterior video footage to see if during the time their In-House investigation was taking place, he could see Subject Yee walking out with anything resembling files. Witness [redacted] found one day, in which he saw Subject Yee walking out to a vehicle in the station's parking lot, holding a cardboard box. He could not see what was inside the box. This footage was prior to when the cases were discovered missing. Please see the video, which will be attached to this Investigative Summary, as **[Exhibit I]**.

WITNESS [redacted]

On Wednesday, September 2, 2015, Detective Bureau Lieutenant Parga and Sergeant Kopperud, from East Los Angeles station, interviewed Witness [redacted]

Witness [redacted] had been employed by the Los Angeles County Sheriff's Department, for approximately five years. During that time period, she was assigned as a station clerk at East Los Angeles station. Four of the years she was assigned as a station clerk, she had been specifically assigned to the Traffic office. During those four years, she was supervised by Subject Brookwell and Subject Yee. While working as the traffic secretary, she was responsible for answering phones, entering reports, data entry, and running statistics. Data entry consisted of entering traffic citations, moving violations, and traffic collision reports, into the [redacted] and [redacted] computer programs. **[Transcribed Interview, Witness [redacted] Page 2]**.

Witness [redacted] had been trained in using the [redacted] program and considered herself proficient with it. Witness [redacted] explained how after a deputy had written a report, the report would go straight to Subject Yee and/ or Subject Brookwell, or to the Traffic In-Box. The report would then be acknowledged on a list, showing the report had been received, or if it was late. Witness [redacted] then received the report from Subject Yee, or the traffic box and entered it into [redacted] so the report would not be lost or appear as a missing report. **[Transcribed Interview, Witness [redacted] Page 3]**.

When Witness [redacted] received the reports, they were not always approved. Witness [redacted] had been instructed by Subject Brookwell and Subject Yee, to input the report's basic information into [redacted] even if it was not complete. Witness [redacted] had also been given specific instruction by Subject Brookwell and Subject Yee, to enter the reports as inactive, so they would not show up on the [redacted] report. When Witness [redacted] entered the reports, she would enter [redacted] inactive, and the date. Witness [redacted] knew [redacted] had to do with a report being inactive. Witness [redacted] was not sure exactly what [redacted] meant, but to the best of her understanding, it meant no further investigation was needed. Witness [redacted] did not know why Subject Brookwell and Subject Yee had told her to enter the incoming reports that way. **[Transcribed Interview, Witness [redacted] Page 4]**. Witness [redacted] was also instructed to enter the incoming traffic reports as inactive, by [redacted] who was the previous traffic secretary, as well as the person who trained her (Witness [redacted] **[Transcribed Interview, Witness [redacted] Page 9]**.

Witness [redacted] was also told by Subject Brookwell and Subject Yee that they wanted to keep everything "in house." Witness [redacted] was also told by Subject Brookwell and Subject Yee that if she had any problems or questions, not to talk to anybody else, but to keep it "In-House." Witness [redacted] was also told not to talk to anybody else, or trust anybody else, specifically about traffic or anything. **[Transcribed Interview, Witness [redacted] Page 6]**.

Based on her [redacted] training, Witness [redacted] remembered some reports, which had information which she felt would have made a report active. Specifically, Witness [redacted] had concerns regarding the hit and run reports. Witness [redacted] described an active case, as one which contained information that could possibly be helpful in figuring out what was

going on with the case. Witness [redacted] described an inactive case, as one which did not have any further information to work with. Witness [redacted] further described an inactive case, as basically being an "Information Only" report. **[Transcribed Interview, Witness [redacted] Page 7]**.

Witness [redacted] did not think this was right, but thought someone would update the cases after her initial data entry, to change the status of some of the cases. Witness [redacted] never went back into [redacted] to change the status of any of the cases, from inactive to active. **[Transcribed Interview, Witness [redacted] Page 8]**.

After leaving the traffic office, Witness [redacted] was assigned to the general secretariat. While assigned to the general secretariat, Witness [redacted] was trained, if she ever received a report which had not been signed off yet, she should not enter it. Instead, Witness [redacted] was trained to send it back to the Watch Sergeant for approval, before she could enter it into [redacted] **[Transcribed Interview, Witness [redacted] Page 11]**.

WITNESS [redacted]

On Tuesday, March 1, 2016, IAB Sergeants [redacted] and [redacted] interviewed Witness [redacted] at the Sherman Block Building, in the Personnel Administration office.

Witness [redacted] has been employed by the Los Angeles County Sheriff's Department, for approximately fifteen years. [redacted] Witness [redacted] was assigned to East Los Angeles station for ten years. Six of the years she worked as a station clerk, she had been specifically assigned to the Traffic office. She was the only traffic secretary at East Los Angeles station, during her time assigned there. During her six years as the traffic secretary, Witness [redacted] was responsible for entering all the traffic citations and submitting them to court, as well as entering all the traffic reports.

Witness [redacted] has received training, both in regards to her duties as a secretary, as well as a traffic secretary. The traffic secretary training Witness [redacted] received, was from a previous traffic secretary, whose name is [redacted] Witness [redacted] did not receive any formal classroom training, in regards to being a station secretary. Witness [redacted] has attended [redacted] training, but could not remember what the purpose of [redacted] was. She knew it was not her responsibility to determine the classification of a case. Witness [redacted] did not know if inactive cases showed up on a [redacted] tracking report, or if they showed up on a [redacted] 30-day, 60-day, or 90-day exception list. Witness [redacted] said she did not know the difference between active and inactive cases. [Transcribed Interview, Witness [redacted] Page 11]. **[Transcribed Interview, Witness [redacted] Page 6]**.

In regard to entering reports into the [redacted] system, Witness [redacted] was only responsible for the data entry. **[Transcribed Interview, Witness [redacted] Page 3]**. Witness [redacted] explained that prior to her receiving a report from Subject Yee or Subject Brookwell, the report would have already been approved and classified by one of them. Once she received the report, Witness [redacted] would scan it into [redacted] and then enter it into [redacted] Witness [redacted] remembered scanning and entering only completed reports. Witness [redacted] could not remember if she entered information off the face page of reports, but told investigators it could have been a possibility.

Witness [redacted] told investigators that neither Subject Brookwell or Subject Yee, told her to enter the incoming traffic reports as inactive, nor did either one of them tell her to enter the incoming traffic reports as [redacted] "Information Only report, No Crime." Witness [redacted] did not remember ever having a conversation with Subject Brookwell or Subject Yee, regarding how she was supposed to enter the traffic office's data entry. **[Transcribed Interview, Witness [redacted] Page 8]**. Witness [redacted] said she always entered the data the way she had been taught to, by station personnel. **[Transcribed Interview, Witness [redacted] Page 9]**. Witness [redacted] told investigators that she had worked for three different sergeants, while assigned to the traffic office and her procedures for data entry remained the same throughout the tenure of all three supervisors. **[Transcribed Interview, Witness [redacted] Page 10-11]**.

WITNESS [redacted]

On Wednesday, March 16, 2016, IAB Sergeant [redacted] interviewed Witness [redacted] in the Captain's Conference room at East Los Angeles station.

Witness [redacted] has been employed by the Los Angeles County Sheriff's Department, for approximately fifteen years. During that time period, she has been assigned as a station clerk at East Los Angeles station. Witness [redacted] was called upon to help the traffic office with data entry, when Witness [redacted] transferred out of the station. Witness [redacted] fulfilled this role until Witness [redacted] was permanently assigned to the traffic office. Witness [redacted] continued to help the traffic off with data entry even when Witness [redacted] was their assigned secretary, due to Witness [redacted] frequent absences. When Witness [redacted] left the Department, Witness [redacted] fulfilled the role of the traffic secretary again, until a replacement was found. Witness [redacted] handled many things while filling in as the traffic secretary, however, her primary responsibility was [redacted] data entry. The only formal secretary training Witness [redacted] had been to, was [redacted] training.

Witness [redacted] was very well versed in regard to the purpose of [redacted] She had access to [redacted] and access to make entries and changes. In regard to traffic cases, Witness [redacted] did not initially know what criteria determined whether a case was to be considered active, or inactive. When the reports came to her, they had not been classified by Subject Brookwell or Subject Yee, as active or inactive. Witness [redacted] was not

trained as to how different reports should be classified. **[Transcribed Interview, Witness [redacted] Page 11]**.

Prior to coming to Witness [redacted] the traffic reports were signed off, by either Subject Brookwell or Subject Yee. When Witness [redacted] received reports signed off by Subject Yee or Subject Brookwell, they were not classified. Witness [redacted] was never given a reason to why the reports were never classified, but figured Subject Brookwell and Subject Yee did not know what classification it was, so they just left it blank. Witness [redacted] was then left to make that determination on her own. **[Transcribed Interview, Witness [redacted] Page 14]**.

At one time, Witness [redacted] remembered Subject Yee telling her to enter all the traffic reports as inactive. **[Transcribed Interview, Witness [redacted] Page 14]**. Witness [redacted] ignored Subject Yee when he told her that, because she knew the statistical code of the Uniform Reference Number alone, could tell a person whether a case needed to be investigated or not. Witness [redacted] did remember Subject Brookwell being present in the traffic office, when Subject Yee told her (Witness [redacted] to classify all traffic reports as inactive. **[Transcribed Interview, Witness [redacted] Page 18, 19]**.

Witness [redacted] described her method for determining the classification of a report, as "Common sense." **[Transcribed Interview, Witness [redacted] Page 11]**. Witness [redacted] said she would look at the statistical code of the Uniform Reference Number, in order to determine the classification of the report. **[Transcribed Interview, Witness [redacted] Page 11, 12]**.

Witness [redacted] explained how inactive cases do not show up on [redacted] tracking reports, as they are considered to be for "Information Only," or they are considered to have no further workable information. Inactive cases would not show up on the [redacted] 30, 60, or 90 Day exception list, due to the fact they are considered closed. **[Transcribed Interview, Witness [redacted] Page 12]**.

Witness [redacted] remembered Witness [redacted] telling her, she only needed to enter the location of the accident and Party 1's information into [redacted] Witness [redacted] told her, "We only do this because that's what they, (Subject Yee and Subject Brookwell), said." **[Transcribed Interview, Witness [redacted] Page 23]**. Witness [redacted] ignored Witness [redacted] instruction, because it did not make sense. Witness [redacted] explained how every person involved in the accident, needs to be entered. Witness [redacted] reasoning for doing it that way, was for insurance purposes. If an insurance company were to call the station, requesting a copy of a report for a second, third, or fourth involved party, the secretaries would not be able to immediately locate it, due to the fact it was only Party 1's information that was entered. Witness [redacted] said the right way to do it, is to enter all the names, cars, and license plates of those involved in the accident. **[Transcribed Interview, Witness [redacted] Page 22, 23]**. Witness [redacted] also remembered Subject Yee telling her to enter the traffic reports in this manner, back when

she was helping Witness [redacted] with data entry. **[Transcribed Interview, Witness [redacted] Page 24]**. Witness [redacted] never received those instructions from Subject Brookwell.

WITNESS [redacted]

On Wednesday, March 16, 2016, IAB Sergeants [redacted] and Anthony Easter interviewed Witness [redacted] at the Internal Affairs Bureau office.

Witness [redacted] has been employed by the Los Angeles County Sheriff's Department, for fifteen years. [redacted]

Currently Witness [redacted] is assigned to the Risk Management Bureau, specifically in the Traffic Services section. Witness [redacted] responsibilities are to assist station traffic units with the investigations of traffic collisions, conduct inspections of station traffic units, and to conduct executive traffic risk reviews with commanders, when there are cases with deputy personnel involved in traffic collisions.

Witness [redacted] told investigators that station traffic investigators are considered to be part of a station's Detective Bureau. Witness [redacted] explained how "Field Operations Directive 11-01," which was implemented on January 1, 2011, indicated that all investigative units fell under the same criteria as Detective Bureau, including Traffic. **[Transcribed Interview, Witness [redacted] Page 3]**. Even though the date on this directive was January 1, 2011, the Traffic Services Bureau did not begin adhering to it, until January 1, 2015, when they were conducting the station traffic office inspections for the year 2014. **[Transcribed Interview, Witness [redacted] Page 4]**.

Prior to January 1, 2015, the Traffic Services Bureau's standard of inspection for station traffic offices, was to make sure traffic collision reports and Driving Under the Influence reports were being filled out correctly. They would make sure citations were being filled out correctly, as well as retained in accordance with policy. They would also review the station's traffic statistics, ensure the calibration of Preliminary Alcohol Screening Devices, confirm the station was conducting radar traffic enforcement, and confirm the station had a current traffic survey for their roads and it was up to date. Prior to 2105, Traffic Services Bureau did not review active, pending, or inactive cases, nor would they pull up [redacted] reports for stations, prior to inspections. **[Transcribed Interview, Witness [redacted] Page 6]**.

During this time, it was not common for Traffic Services Bureau, to review any of the station traffic investigator's case files. Prior to Field Operations Directive 11-01, there was also no Departmental standard, for how the traffic investigator would set up a case

and document it. **[Transcribed Interview, Witness [redacted] Page 5]**. If Witness [redacted] did randomly pull an investigator's case file in the course of an inspection during this time, and saw the case had not been investigated properly, he (Witness [redacted] would have documented it, in his inspection summary. **[Transcribed Interview, Witness [redacted] Page 6]**.

Currently, Traffic Services Bureau is using Field Operations Directive 11-01, as their standard for station traffic inspections. They are now inspecting the traffic investigators case files, in order to ensure they are in compliance with this directive. This directive along with Policy and Procedures, is their main guideline for inspections. This is to ensure traffic investigators have the proper training they need and have completed the Departments mandated training courses for their position. Traffic Services Bureau now checks [redacted] in order to make sure cases are being properly managed. **[Transcribed Interview, Witness [redacted] Page 6]**.

If Witness [redacted] knew a station was entering all their traffic reports as "INACTIVE," it would be a concern to him. Witness [redacted] explained that if all the reports were entered as "INACTIVE," it would mean all the reports the station had, would be non-injury traffic collisions, with no citations issued. Witness [redacted] told investigators a station could not have all their cases "INACTIVE." **[Transcribed Interview, Witness [redacted] Page 9]**.

Witness [redacted] told investigators that the first report for a fatal traffic collision, should not take longer than thirty days. Witness [redacted] was referring to both the traffic collision report and the preliminary death report. Witness [redacted] explained how there was a box in the left-hand corner of the collision report, to write if there were any special conditions. That box flags the report for the California Highway Patrol, so they realize it is not the complete report and there was more to follow. The remainder of the investigation could be documented on supplemental reports. **[Transcribed Interview, Witness [redacted] Page 13]**.

In order to find out more regarding [redacted] data entry training, I contacted our Department's [redacted] training instructor, Rosemary Dean. During the course of an email conversation with Instructor Dean, she told me that she (Instructor Dean), does not give instructions to enter cases as "INACTIVE." Instructor Dean does instruct Data Entry students that if a case is entered as "INACTIVE," [redacted], must be entered, along with the employee number of the sergeant who approved the report being entered.

In the [redacted] supervisor's class, Instructor Dean does not have the students close any of their cases, with "[redacted] Instructor Dean does instruct them to input the case closure code, which had been approved by the approving sergeant. Instructor Dean does not teach what case closure codes can be approved for closing a case, due to it being a report writing rule. Please see the email correspondence between Instructor Dean and

myself, which will be attached to this Investigative Summary, as **[MISCELLANEOUS DOCUMENTS]**.

<u>ADDENDUM TABLE OF CONTENTS</u>

IV 2385031

SHERIFF'S DEPARTMENT
Internal Affairs Bureau

Case Addendum

UNIT: **East Los Angeles Station- Central Patrol Division**

DATE: **April 30, 2015**

SUBJECTS: **Pamala Brookwell** [redacted]
Jimmy Yee [redacted]

LOCATION: **East Los Angeles Station**

IAB#: **IV 2385031**

The initial Internal Affairs Bureau investigation case book, regarding this investigation, was submitted and approved on April 13, 2016. On April 21, 2016, Operations Lieutenant Bardon from East Los Angeles station, provided me with the following information:

A check of LARCIS showed the following data, which appears to confirm the alleged pattern and practice of entering traffic reports as inactive, and demonstrates the poor performance of Subject Yee in investigating/solving traffic cases. For 2012, of the 647 traffic collisions, 611 were listed as inactive, 34 as pending, only two as solved, and none were listed as active. For 2013, of the 822 traffic collisions, 773 were listed as inactive, 46 as pending, only three as solved, and none were listed as active. For 2014, of the 1,046 traffic collisions, 909 were listed as inactive, 108 as pending, 27 as solved, and only two as active. In 2015, the solved and active investigations began to increase, with 37 active cases, 68 solved cases, 193 pending cases, and 940 inactive cases. As of April 13, 2016, East Los Angeles Station had the following statistics for 2016:
14 active, 55 pending, 186 inactive, and 68 solved.

On April 22, 2016, I contacted Operations Sergeant [redacted] who sent me the LARCIS printouts, which corroborated the above statistics. Please see the attached printouts, which will be attached to this Addendum, as **[EXHIBIT K]**.

On April 22, 2016, IAB Sergeant [redacted] interviewed Captain John Roberts, who was the East Los Angeles Station Detective Bureau Lieutenant, during the time period of this investigation. For further information regarding the interview, please listen to the attached compact disc containing the entire interview, which will be attached to this Addendum, as **[EXHIBIT L]**.



OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

April 22, 2016

Sergeant Pamala Brookwell, [redacted]

Dear Sergeant Brookwell:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Sergeant, Item No. 2717A, with this Department, effective the close of business May 13, 2016.

An investigation under IAB File Number 2385031, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior; and/or 3-01/000.13, Professional Conduct - Core Values; and/or 3-01/050.20, Duties of all Members; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (pertaining to Field Operations Directive (FOD) 11-01 – Standardized Procedures for Detective Unit Operations; and/or 2-02/080.00, Sergeants; and/or 4-01/005.20, Responsibility of the Detective Sergeant), on or about January 1, 2011 through February 12, 2015, while on duty and assigned as a Traffic Sergeant, you violated Department policy by failing to perform to standards established for your position, and/or brought embarrassment to yourself and/or to the Department, and/or failed to be diligent and professional in your deeds, as evidenced by, but not limited to the following:

a) You oversaw, supervised, and/or created an insulated team that adopted patterns of practice which resulted in performance and productivity issues; and/or,

b) After being previously advised of LARCIS entries by your supervisor and/or having attended LARCIS supervisor training, you instituted, and/or directed, and/or condoned a pattern and practice in which LARCIS entries were entered falsely as inactive; and/or,

c) After being previously advised of FOD 11-01 by your supervisor, and/or having attended LARCIS supervisor training, you failed to manage the traffic investigator's open cases, review the traffic investigator's case journal(s), and reconcile all traffic related cases in LARCIS (per Field Operations Directive 11-01); and/or,

d) After being previously advised of your responsibility as the traffic sergeant by your supervisor, and/or having attended LARCIS supervisor training you failed in your responsibility to approve traffic reports and supplemental reports by delegating your responsibility, according to your own estimation, ninety-five percent of the time, resulting in a lack of accountability and oversight.

2. That in violation of the Manual of Policy and Procedures Section 3-01/100.35, False Information in Department Records, on or about January 1, 2011, through February 12, 2015, while on duty and assigned as a the Traffic Sergeant, you violated Department policy by causing to be entered in Department records and electronic data systems false information, after you were advised of your responsibility to approve LARCIS entries by your supervision as evidenced by, but not limited to the following:

a) Witness [redacted] claim that she was instructed by you and Subject Yee to enter incoming traffic reports as inactive in LARCIS; and/or,

b) Witness [redacted] corroboration of Witness [redacted] claim, of the direction(s) given by Subject Yee in the presence of you, regarding inactive LARCIS entries.

3. That in violation of the Manual of Policy and Procedures Section 3-01/040.75, Dishonesty During Departmental Internal Investigations, on or about February 26, 2016, you were dishonest during your subject interview by deliberately distorting the truth and intentionally reducing your responsibilities as a Traffic Sergeant, as evidenced by, but not limited to the following:

a) You repeatedly claimed that your role as a Traffic Sergeant was a collateral duty and not a permanent assignment, and/or words to that effect, despite receiving annual evaluations with the assignment title of "Traffic Sergeant" since 2006, and/or after being informed by your supervision that your primary function was of a Traffic Sergeant; and/or,

b) You attempted to separate herself and the traffic office from being under the management of Detective Bureau, despite being informed by your supervision that your primary function was of a Traffic Sergeant, and receiving multiple years of evaluations from the Detective Lieutenant, in order to alleviate yourself and the traffic office from the responsibilities outlined in Field Operations Directive 11-01; and/or,

c) Your denial of instructing Witness [redacted] to enter incoming traffic reports as inactive in LARCIS; and/or,

d) You dismissed basic functions of your role as the Traffic Sergeant over the past 10 years as not being your responsibility, and deferred blame on your subordinates despite receiving annual evaluations with the assignment title of "Traffic Sergeant" since 2006, and/or after being informed by your

supervision that your primary function was of a traffic sergeant.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Bobby D. Denham, on May 10, 2016, at 0930 hours, in his office, which is located at 211 W. Temple Street, Room 836, Los Angeles California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to May 10, 2016, for your oral response, please call Chief Denham secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Denham's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Denham's office by no later than May 13, 2016.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

John M. Roberts, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JMR:BDD:jr

cc: Advocacy Unit
Employee Relations Unit
Bobby D. Denham, Chief, Central Patrol Division
Internal Affairs Bureau
(File #IAB IV2385031)



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

February 25, 2021

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***PAMALA BROOKWELL*** *for a hearing on her* ***discharge****, effective May 20, 2016, from the position of Sergeant, Sheriff's Department,* **Case No. 16-144**.

The Civil Service Commission, at its meeting held on December 9, 2020 approved findings in the above-entitled case. The department's objections were sustained. Commissioner Nightingale dissented. Mahdi Mohamed, Executive Director, recused himself.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Steve Cheng
Deputy Executive Director

Enclosure

c: Pamala Brookwell
James Cunningham
Nohemi Gutierrez-Ferguson
Robert Steinberg

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***discharge****, effective May 20, 2016, from the position of Sergeant, Sheriff's Department, of* **PAMALA BROOKWELL** **(Case No. 16-144)**	ORDER OF THE CIVIL SERVICE COMMISSION

On December 9, 2020, the Civil Service Commission of the County of Los Angeles sustained the department's objections and announced as its final decision to impose discharge. Commissioner Nightingale dissented. Mahdi Mohamed, Executive Director, recused himself.

Dated this 25th day of February, 2021.

STEVEN AFRIAT, President

PERCY DURAN III, Member

Dissented — NAOMI NIGHTINGALE, Member

JOHN DONNER, Member

DICKRAN TEVRIZIAN, Member

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

In the Matter of the Appeal From Discharge from her position as Sergeant by PAMALA BROOKWELL, Appellant and LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, Respondent Case No. 16-144	HEARING OFFICERS REPORT INCLUSIVE OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

The above-captioned matter was heard by the undersigned, Hearing Officer on January 13, 19 and 20, 2017, May 25, 2017, October 2 and 16, 2017, and March 19, 2018. Appellant was present throughout represented by her attorney James J. Cunningham, Esq. The Department was represented by Naomi Ferguson Gutierrez Esq. All relevant evidence was received, the matter fully argued with the hearing record perfected with the timely receipt of post-hearing briefs.

CASE SUMMARY

Appellant was charged with allowing falsified information to be entered into the Department's primary computer system and for misrepresenting the facts when questioned about her activities as transportation sergeant. The Department sustained its burden of proving willful mismanagement of her office, and discharge was an appropriate remedy.

DISCUSSION OF THE EVIDENCE

Appellant was hired by the Department in 1988, [redacted] became "Traffic Sergeant" at the East Los Angeles Station in 2006 where she was assigned until February 12, 2015. [redacted] The principal activity for when she was responsible as Traffic Sergeant, as indicated in her performance evaluations, was to review initial traffic reports written by deputies in the field, perform additional investigation as necessary, and to enter the data of her office into the Department's computer system.

Appellant claimed that the computer program used by Department traffic offices was the "Crossroads" system which did not account for the status of a traffic investigation as either active, pending or inactive. The office secretary would enter that information into a computer program known as LARCIS, which stands for Los Angeles County Information Services, and is the Department's

resource to measure the performance of its various units. The secretary would either get the information from the traffic reports themselves, and when that information was not available, which became the norm, they were instructed by Traffic Investigator Jimmy Yee to enter "inactive" into LARCIS whether or not a case needed additional investigation. this entry would leave superiors, when the status of the office's performance was reviewed, to believe the vast preponderance of traffic accidents had been fully resolved by the traffic office on a timely basis.

It was not until Appellant [redacted] after February, 2015 her replacement discovered that a number of cases still needing to be investigated, such as fatalities and hit-and-runs, had not been completed, but were nonetheless entered into LARCIS as being inactive. Based upon Sergeant [redacted] report to his superiors, the matter was investigated by Internal Affairs, and based upon the investigative findings, inclusive of the statements made by those performing in the Office, it was concluded that both Department Investigator Yee and his superior, Sergeant Brookwell, had committed serious violations of policy, and each was discharged.

As specified in the Department's letter of imposition, Appellant was charged with the following misperformance and the policies they violated:

Violations	**DMPP Sections**
Appellant oversaw, supervised and/or created an insulated team that adopted patterns of practice which resulted in performance and productive issues.	3-01/050.10, Performance to Standards 3-01/030.05, General Behavior
Appellant instituted and/or directed and/or condoned a pattern of practice in which LARCIS entries were entered falsely as an active.	3-01/000.13, Professional Conduct – Core Values 3-01/050.20, Duties of All Members
Failed to manage the traffic investigator's open cases, review the traffic investigator's case journals and reconcile all traffic-related cases in LARCIS.	3-01/030.10, Obedience to Laws, Regulations and Orders 3-01/100.35, False Information in Department Records
You failed in responsibility to approve traffic reports and supplemental reports by delegating your responsibility, according to your own estimation, 95% of the time, resulting in a lack of accountability and oversight.	3-01/040.75, Dishonesty During Departmental Internal Investigations.
You caused to be entered false information into LARCIS.	
You were dishonest during your subject interview by deliberately distorting the truth and intentionally reducing your responsibilities as a traffic sergeant.	

The Department relied on the testimony of two secretaries who testified that Appellant was present when Traffic Investigator Yee directed them to treat all cases as inactive unless otherwise noted, with one secretary recalling that Appellant herself made this statement. In addition, Appellant's superior, Lieutenant [redacted], during the period of time in question, in and after Spring 2011, testified he directed Appellant to have entered into LARCIS the status of traffic office cases indicating the open and close nature of the cases and the age of the open investigations at 30, 60 and 90-day intervals, and that he sent Appellant to superfisory LARCIS training for this purpose.

This was disputed by Appellant who claimed the LARCIS use instruction was limited to her function as court sergeant wherein she was responsible for overseeing deputies attendance as witnesses in court proceedings. Appellant testified that because of her myriad of different responsibilities she allowed Investigator Yee free hand in managing the office's traffic functions 95% of the time as he had been successfully performing in his traffic investigatorcapacity prior to Appellant's assignment to the office. Appellant disputed the secretarial allegations that she was present when Yee instructed them as to the entering if traffic cases as inactive, and that she did not herself tell anyone to enter cases into LARCIS as inactive.

Appellant testified her primary computer tool in the traffic office was Crossroads, that she relied on this program and paper logs, and that she herself would go into field to investigate certain cases that were brought to her attention as being active. She testfied she was diligent in monitoring the weekly exception reports eminating from *LARCIS as* to all the station's activity and that she would remind deputies of work that needed to be performed in order to complete traffic accident investigations.

Additional witnesses on behalf of Appellant spoke to her character as a hard working, "outstanding" supervisor whose reliance on Crossroads was appropriate as the office's traffic case management was kept therein or in paper logs maintained by the traffic investigator.

ISSUES

As identified by the Commission, the issues to be determined herein are:

1. Are the allegations contained in the department's letter of May 24, 2016, true?

2. If any or all are true, is the discipline appropriate?

SUMMARY OF PARTY POSITIONS

Department: The evidence established Appellant condoned, and engaged in a pattern and practice in which traffic matters were marked as "inactive" when they

as there was an existent workable information. Appellant failed to remedy these issues after training in LARCIS and being directed to maintain the traffic office consistent with "Field Operations Directive 11-01", accounting for the activity of its detective units, of which traffic was one.

By Appellant's own admission she delegated her responsibility 95% of the time resulting in her lack of accountability and oversight of the office. In addition, during her investigatory interview, she misrepresented or distorted facts by denying that her primary responsibility was as Traffic Sergeant and by attempting to defer all blame for misconduct to Traffic Investigator Jimmy Yee. All of the above demonstrates willful misconduct and constitutes numerous violations of department policies.

Her prior discipline, read in conjunction with her current misbehavior evidences an inability or unwillingness to exercise sound judgment and an unwillingness to accept responsibility for her misconduct. Accordinly, discharge is the only appropriate remedy as the evidence demonstrates Appellant cannot be trusted to conduct herself in a manner that is consistent with Department policies. She has continuously failed to meet her performance expectations.

Appellant: The allegation that Appellant created or maintained an insulated team was not supported by the facts. The Department's reliance on errors pertaining to LARCIS entries are perhaps relevant to negligence in overseeing the

Office's reporting responsibility but itdoes not evidence an effort to create or maintain an insulated team

Nor does the evidence prove Appellant was given explicit instructions in 2012 to utilize LARCIS to track accident investigations. Her recollection of the meeting with then Lieutenant [redacted] as supported by her contemporaneous notes, credably recounts the direction given with respect to the responsibilities regarding the assignment of deputies to court, and as to which she followed. That is why Appellant continued to utilize the preexisting "Crossroads" program as well as paper logs to maintain the status of traffic-accident investigations. LARCIS was used by Appellant to review weekly "Exception Reports" and discuss with deputies any traffic-accident shortfalls.

Appellant did not misrepresent material facts during the Department's investigation and there is no competent evidence she lied about telling traffic secretary [redacted] to enter all incoming traffic reports as "inactive." [redacted] was a biased witness.

Given all of Appellant's various assignments in addition to her traffic responsibilities, her active participation to the investigation of serious hit and runs and fatalities, considering her leave of absence due to the terminal illness of her husband and her reasonable reliance on Traffic Investigator Yee, her shortcoming as to accounting for the status of the reports handled by the Traffic Office was not

intentional. All was as much due to the institutional failure of the Department to provide Appellant with explicit direction as to the utilization of LARCIS, which brought about confusion as to what computer program the office needed to follow. That a case was designated in LARCIS as "inactive" does not indicate the true level of supervisorial oversight and investigative attention Appellant gave to a case. Appellant had nothing to gain by "inactive" entries into LARCIS.

The failure herein was not Appellant's alone for the reasons stated above. The evidence fails to prove Appellant knowingly or willfully violated Department policies in the matter in which she oversaw her administrative responsibilities in the East Los Angeles Traffic Office. As Chief Denham testified, absent willful misconduct, there was no basis to terminate Appellant. Accordingly, based on the evidence herein, the termination of Appellant was improper.

DISCUSSION

At the outset, it need be stated, in Appellant's favor, that based on the extant facts, testimony and my observation of her, Appellant presented herself as a bright, industrious employee who was consistently evaluated as outstanding. She wore many hats as a supervisor while residing in the East Los Angeles station traffic office, which she occupied for 9.5 years.

There should be no doubt, however, that Appellant's primary duty was as Traffic Sergeant, the stated position for which she was evaluated during her tenure in the Traffic Office. Oversight of traffic investigations and accountability for the progress of those investigations was her ultimate responsibility. Appellant's argument to the effect that oversight of traffic was a secondary responsibility of hers was untenable. How she understood her office responsibilities would account for her different understanding of the 2012 directive given to her by Lieutenant [redacted] as to the necessity for her to insure appropriate entries into LARCIS for all of her offices activity, not just the record-keeping relating to the court assignment of station deputies, but her understandable is untenable.

Given the fact that Field Operation Directive 11-01 had been utilized by the detective bureau in general since the late '90s to determine the age of investigations that exceeded 30, 60 or 90 days, and was a known entity when applied to the Traffic Office in 2011, then followed by Lieutenant [redacted] sending Appellant to supervisory LARCIS training in 2012, Appellant could not have failed to understand that LARCIS entries were to be the ones relied upon by superiors in reviewing the quantity of work performed by the Traffic Office as well as the speed in which it investigated and closed investigations. An interpretation that the directive and training given to Appellant was limited merely to deputy

assignments in court is unreasonable since traffic investigations and management thereof was Appellant's primary responsibility.

The continued utilization of Crossroads does not excuse Appellant's failure to oversee the Traffic Offices' entries into LARCIS, where the reports of completed or incomplete investigations were purposely skewed to indicate that virtually all traffic investigations within the Office's span of control were "inactive", with no more work needing to be done. The credible evidence by witnesses testifying for both parties is that it is impossible in a fatality accident and highly unlikely in serious hit-and-run accidents that an investigation can be closed within 24 hours, and yet those were the types of cases discovered by Sergeant [redacted] when he succeeded Appellant as Traffic Sergeant, having been entered as "inactive." Accordingly, Appellant's internal utilization of Crossroads to manage investigations is irrelevant as to her reporting responsibilities. Appellant testified she did review cases and that she sent cases back to Yee for supplemental reports, but never checked his work product thereafter to see if it was completed.

Notwithstanding the fact that the Department is sustained in what Appellant should have understood her role was with respect to LARCIS and the primarily responsibility of being traffic investigation and management thereof, that evidence does not prove any willful misrepresentation of fact by Appellant as to her stated disagreements as to the directive and training given her, nor is there credible

evidence that Appellant told secretary Waldie that initial investigatory reports were to be entered into LARCIS as inactive. There is contradictory evidence that Appellant tried to maintain aloofness from the day-to-day activity of the office, was on leave of absence when [redacted] was transferred to the position of traffic secretary and received her directives from [redacted] the former secretary, that it was the reports themselves and/or the directive of Traffic Investigator Yee that determined whether the initial entry into LARCIS of a traffic incident was inactive, active, or pending. [redacted] was a biased witness who did not allege any impropriety of the office until she herself had been investigated for improper conduct based on an accusation from Appellant.

One other secretary who was assigned intermittently to the office between 2012- February 2015 testified it was Yee who gave the directive that all cases were to be marked inactive, but that Appellant was present when such the directive was given. This makes sense. The secretary and Appellant would be in close proximity to each other, as was Yee when he was in the office, and Appellant should or would not have been ignorant of Yee's directive. Thus, in that regard, Appellant cannot place the blame entirely on Traffic Investigator Yee for the erroneous entries into LARCIS and the failure to keep open investigations that needed additional work. Either Appellant was a willing co-conspirator in what he was doing, or she was willingly ceded to Yee the functional oversight of the office.

Either way these were critical failures and constituted deliberate mismanagement. Appellant made of her position what she wanted, distinct from how the Department expected her to manage the office. She failed to properly account for how her office timely processed traffic accidents and then failed to take responsibility for her mismanagement. this constituted willful justifying discharge.

FINDINGS OF FACT

1. Appellant was a sworn peace officer with the Department between 1988 and May 24, 2016. At all times material she was assigned as sergeant in the traffic office at the East Los Angeles Station.

2. As gleamed from her performance evaluations she was labeled as "Traffic Sergeant" and was responsible for overseeing all traffic investigations as well as several other duties inclusive of overseeing the appearance of station deputies in court. She oversaw a Traffic Investigator and an office clerical. Appellant ceded her managerial authority to the Traffic Inspector 95% of the time.

3. When traffic accidents occur and after the initial on-scene report is received in the traffic office it is entered into the LARCIS computer system as either "inactive", "active" or "pending," depending upon whether there is any additional investigatory work to be performed. That information has

historically been given to the office secretary from the initial report or from the traffic investigator.

4. It is undisputed that during the 2011-2015 period a time when Appellant was in charge of the traffic office virtually all traffic accidents were closed within 24 hours and entered into the LARCIS computer program as "inactive."

5. When traffic office data contained in LARCIS was reviewed and showed such an outstanding closure rate, Station management considered the traffic office as functioning exceedingly well and Appellant was praised in her annual performance evaluations.

6. When Appellant was replaced as traffic sergeant, her successor discovered the inaccuracy of investigative entries into LARCIS as "inactive" and he learned the number of the initial closures included fatalities that could never be closed within 24 hours, and significant hit-and-run accidents where investigations had not been completed. His report to superiors led to an internal affairs investigation the basis of which caused Appellant to be charged with serious misconduct as set forth in the Letter of Imposition of May 24, 2016, and subsequently discharged.

7. The allegation that Appellant, as supervisor, adopted patterns of practice which resulted in performance and productivity issues is supported by a preponderance of the evidence

8. That Appellant instituted and/or directed and/or condoned a pattern of practice in which LARCIS entries were entered falsely as "inactive" after Appellant had been directed and trained in the use of LARCIS is sustained by a preponderance of the evidence.

9. That Appellant failed to reconcile all traffic-related cases in LARCIS is sustained by a preponderance of evidence, as is her failure to manage the traffic investigator's open cases and review his case journals.

10. The allegation that after previously being advised as to her reporting responsibility as traffic sergeant, and undergoing LARCIS supervisory training, Appellant failed in her responsibility to review traffic reports and supplemental reports by delegating her responsibility, according to her own estimation 95% of the time, resulting in a lack of accountability and oversight, is sustained by preponderance of evidence.

11. The allegation that on and after January 1, 2011, Appellant violated Department policy by causing to be entered in Department electronic data systems (LARCIS) false information, resulting from directions given by Traffic Investigator Yee in the presence of Appellant to office secretaries

regarding the LARCIS entry of "inactive", is sustained by a preponderance of evidence.

12. The misbehavior/misperformance set forth in Findings 7 through 11 violated, as alleged, Department policy and procedural manual sections pertaining to Performance to Standards, General Behavior, Professional Conduct-CoreValues", Duties of All Members, Obedience to Orders, and the entering of false information into Department records.

13. The allegations that Appellant maintained an insulated department and violated Department policy by instructing office secretary [redacted] to enter all incoming reports as "inactive" is not sustained by a preponderance of evidence.

14. That Appellant was dishonest during departmental investigations in violation of policy by deliberately distorting the truth is not sustained by a preponderance of evidence.

15. That Appellant intentionally minimized her responsibilities as a traffic sergeant is true, but that did not violate the DMPP section dealing with "Dishonesty during Department and Internal Investigations."

16. Appellant's long service, a fact in mitigation against serious discipline, is offset by a history of discipline, as considered by Chief

Denham, and with respect to the seriousness of Appellant's sustained misconduct.

17. The credible evidence as a whole proves willful violations of Department policies and procedures, and that Appellant's misconduct in regard to the management of her function as "Traffic Sergeant" was so egregious she could no longer be trusted to serve the Department and the public

CONCLUSIONS OF LAW

1. A preponderance of the allegations contained in the Department' Letter of Imposition of May 24, 2016, are true.

2. The misconduct violated several of the Department's policies and procedures set forth in the Letter of Imposition.

3. The imposed discipline of Appellant, termination, is appropriate.

RECOMMENDATION

Having fully reviewed the evidence record, upon due deliberation and for the reasons set forth above, the undersigned hearing officer respectfully recommends to the Civil Service Commission that the discharge of Appellant be sustained and her appeal denied.

Dated this 13th day of September, 2018.

Respectfully,

R. D. Steinberg

Robert D. Steinberg
Hearing Officer

Revised October 24, 2018

R. D. Steinberg







COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF

March 23, 2021

Sergeant Pamala A. Brookwell

[redacted]

Dear Sergeant Brookwell:

AMENDED LETTER OF IMPOSITION

On May 24, 2016, you were served with a Letter of Imposition under File Number 2385031, notifying you that you were discharged from your position of Sergeant, Item No. 2717A, with this Department, effective as of the close of business on May 20, 2016.

On December 9, 2020, the discipline was sustained, however, the charges will be modified to reflect the Hearing Officer's Report. All Departmental records will reflect that the discharge shall stand.

Pursuant to the Hearing Officer's Report; the Civil Service Commission's final decision and the investigation under IAB File Number 2385031 conducted by Internal Affairs Bureau, coupled with your own statements has established the following:

1. That in violation of the Department's Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior; and/or 3-01/000.13, Professional Conduct – Core Values; and/or 3-01/050.20, Duties of all Members; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (pertaining to Field Operations Directive (FOD) 11-01 – Standardized Procedures for Detective Unit Operations; and/or 2-02/080.00, Sergeants; and/or 4-01/005.20, Responsibility of the Detective Sergeant), on or about January 1, 2011, through February 12, 2015, while on duty and assigned as a Traffic Sergeant, you violated Department policy by failing

to perform to standards established for your position, and/or brought embarrassment to yourself and/or to the Department, and/or failed to be diligent and professional in your deeds, as evidenced by, but not limited to the following:

a. You oversaw, supervised, and/or created an insulated team that adopted patterns of practice which resulted in performance and productivity issues; and/or,

b. After being previously advised of LARCIS entries by your supervisor and/or having attended LARCIS supervisor training, you instituted, and/or directed, and/or condoned a pattern and practice in which LARCIS entries were entered falsely as inactive; and/or,

c. After being previously advised of FOD 11-01 by your supervisor, and/or having attended LARCIS supervisor training, you failed to manage the traffic investigator's open cases, review the traffic investigator's case journal(s), and reconcile all traffic related cases in LARCIS (per Field Operations Directive 11-01); and/or,

d. After being previously advised of your responsibility as the traffic sergeant by your supervisor, and/or having attended LARCIS supervisor training you failed in your responsibility to approve traffic reports and supplemental reports by delegating your responsibility, according to your own estimation, 95% of the time, resulting in a lack of accountability and oversight.

2. That in violation of the Manual of Policy and Procedures Section 3-01/100.35, False Information in Department Records, on or about January 1, 2011, through February 12, 2015, while on duty and assigned as a Traffic Sergeant, you violated Department policy by causing to be entered in Department records and electronic data systems false information, after you were advised of your responsibility to approve LARCIS entries by your supervision.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

ALEX VILLANUEVA, SHERIFF

William E. Jaeger, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

WEJ:CK:liz

c: Advocacy Unit
Employee Relations Unit
April Tardy, Chief, Central Patrol Division
Personnel Administration Bureau
East Los Angeles Station/Unit Personnel File
Internal Affairs Bureau (File #2385031)



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



JIM MCDONNELL, SHERIFF

April 22, 2016

Deputy Jimmy Yee, #[redacted]

Dear Deputy Yee:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business May 13, 2016.

An investigation under IAB File Number 2385031, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior; and/or 3-01/000.13, Professional Conduct - Core Values; and/or 3-01/050.20, Duties of all Members; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (pertaining to Field Operations Directive 11-01 – Standardized Procedures for Detective Unit Operations), on or about January 1, 2011 through March 9, 2015, while on duty and assigned as a Traffic Investigator, you violated Department policy by failing to perform to standards established for your position, and/or brought embarrassment to yourself and/or to the Department, and/or failed to be diligent and professional in your deeds, as evidenced by, but not limited to the following:

(URN 914-08890-0241-471 FATAL COLLISION EXHIBIT B)

a) You failed to approve the traffic report in a timely manner, approving the report 75 days later and without reasonable explanation for the delay; and/or,

b) You failed to document any of your investigative actions in a supplemental report; and/or,

c) You failed to maintain a proper investigative case file, as evidenced by the inclusion of an original supplemental report; and/or,

d) You failed to conduct any follow-up investigation, as evidenced by you, failing to identify the pedestrian involved and determine the pedestrian later passed away as a result of the injuries sustained in the collision; and/or,

e) You failed to maintain the investigative case file in a neat, uniform manner, with a journal (SH-R-405) attached containing investigative steps take per Field Operations Directive 11-01; and/or,

f) You failed to manage/document the case status in LARCIS and provide justification to your supervisor for case extensions.

(URN 914-02756-0246-250 HIT-AND-RUN EXHIBIT C)

a) You failed to properly manage the case in LARCIS as evidenced by the report being entered into LARCIS as inactive on the next day after the collision, despite containing active/workable information; and/or,

b) You failed to document any of your investigative actions in a supplemental report; and/or,

c) You failed to maintain a proper investigative case file, as evidence by the minimal content and the lack of a journal (SH-R-405); and/or,

d) You failed to conduct any follow-up investigation, such as a suspect interview, victim interview, registered owner letter, or a location search for surveillance video evidence; and/or,

e) You failed to maintain the investigative case file in a neat, uniform manner, with a journal (SH-R-405) attached containing investigative steps taken per Field Operations Directive 11-01; and/or,

f) You failed to manage/document the case status in LARCIS and provide justification to his supervisor for case extensions.

(URN 914-07561-0242-250 HIT-AND-RUN EXHIBIT D)

a) You failed to document any of your investigative actions in a supplemental report; and/or,

b) You failed to maintain a proper investigative case file, as evidence by the minimal content and the lack of a journal (SH-R-405); and/or,

c) You failed to conduct any follow-up investigation, such as a suspect interview, victim interview, registered owner letter, or a location search for surveillance video evidence; and/or,

d) You failed to maintain the investigative case file in a neat, uniform manner, with a journal (SH-R-405) attached containing investigative steps taken per Field Operations Directive 11-01; and/or,

e) You failed to manage/document the case status in LARCIS and provide justification to your supervisor for case extensions.

(URN 914-08280-0244-250 HIT-AND-RUN EXHIBIT E)

a) You failed to document any of your investigative actions in a supplemental report; and/or,

b) You failed to maintain a proper investigative case file, as evidence by the minimal content and the lack of a journal (SH-R-405); and/or,

c) You failed to conduct any follow-up investigation, such as a suspect interview, victim interview, or a location search for surveillance video evidence; and/or,

d) You failed to maintain the investigative case file in a neat, uniform manner, with a journal (SH-R-405) attached containing investigative steps taken per Field Operations Directive 11-01; and/or,

e) You failed to manage/document the case status in LARCIS and provide justification to your supervisor for case extensions.

(URN 914-15311-0262-250 HIT-AND-RUN EXHIBIT F)

a) You failed to document any of your investigative actions in a supplemental report; and/or,

b) You failed to maintain a proper investigative case file, as evidence by the minimal content, the lack of a journal (SH-R-405), and miscellaneous photographs; and/or,

c) You failed to conduct any follow-up investigation, such as a suspect interview, victim interview, or a location search for surveillance video evidence; and/or,

d) You failed to maintain the investigative case file in a neat, uniform manner, with a journal (SH-R-405)

attached containing investigative steps taken per Field Operations Directive 11-01; and/or,

e) You failed to manage/document the case status in LARCIS and provide justification to his supervisor for case extensions.

(URN 014-09136-0246-470 FATAL COLLISION EXHIBIT G)

a) You failed to approve the traffic report in a timely manner, approving the report 75 days later after the autopsy report was prepared and without reasonable explanation for the delay; and/or,

b) You failed to properly process the original report in LARCIS and SECDA as evidenced by the original report being found inside the investigator case file and the report being entered into LARCIS as inactive on the same day of the collision, despite containing active/workable information; and/or,

c) You failed to document any of your investigative actions in a supplemental report; and/or,

d) You failed to maintain a proper investigative case file, as evidenced by missing supplemental reports and the inclusion of the original report and actual physical evidence; and/or,

e) You failed to property document and book evidence in the form of two written witness statements, photographs, and video; and/or,

f) You failed to inspect the impounded vehicle for evidence before it was released; and/or,

g) You failed to conduct any follow-up investigation; and/or,

h) You failed to maintain the investigative case file in a neat, uniform manner, with a journal (SH-R-405)

attached containing investigative steps taken per Field Operations Directive 11-01; and/or,

i) You failed to manage/document the case status in LARCIS and provide justification to your supervisor for case extensions.

(URN 014-09407-0244-470 VEHICULAR MANSLAUGHTER EXHIBIT H)

a) You failed to approve the traffic report in a timely manner, approving the report 102 days later without reasonable explanation and no attempt at soliciting the report from the authoring deputy; and/or,

b) You failed to document any of your investigative actions, including an interview of a driver, in a supplemental report; and/or,

c) You failed to maintain a proper investigative case file, as evidence by two missing supplemental reports and the inclusion of actual physical evidence; and/or,

d) You failed to property document and book evidence in the form of a written witness statement; and/or,

e) You failed to inspect the impounded vehicle for evidence; and/or,

f) You failed to conduct follow-up investigation based on the witness statement; and/or,

g) You failed to maintain the investigative case file in a neat, uniform manner, with a journal (SH-R-405) attached containing investigative steps taken per Field Operations Directive 11-01; and/or,

h) You failed to manage/document the case status in LARCIS and provide justification to your supervisor for case extensions.

2. That in violation of the Manual of Policy and Procedures Section 3-01/100.35, False Information in Department Records, on or about January 1, 2011, through March 9, 2015, while on duty and assigned as a Traffic Investigator, you violated Department policy by causing to be entered in Department records and electronic data systems false information, as evidenced by, but not limited to the following:

   a) By instructing Witness Waldie to enter incoming traffic reports as inactive in LARCIS; and/or,

   b) Witness Rogers' corroboration of Witness Waldie's claim of the direction(s) given by you, to enter inactive LARCIS entries.

3. That in violation of the Manual of Policy and Procedures Section 3-01/040.75, Dishonesty During Departmental Internal Investigations, on or about February 16, 2016, you were dishonest during your subject interview by deliberately distorting the truth, as evidenced by, but not limited to the following:

   a) Your denial of instructing Witness Waldie to enter incoming traffic reports as inactive in LARCIS, which was refuted by Witness Rogers' independent confirmation of the adopted pattern and practice; and/or,

   b) Your denial of being the individual seen exiting the traffic office on September 3, 2015 with boxes in-hand and walking to your personal vehicle.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Bobby D. Denham, on May 10, 2016, at 1030 hours, in his office, which is located at 211 W. Temple Street, Room 836, Los Angeles California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to May 10, 2016, for your oral response, please call Chief Denham secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Denham's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Denham's office by no later than May 13, 2016.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

John M. Roberts, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JMR:BDD:jr

cc: Advocacy Unit
Employee Relations Unit
Bobby D. Denham, Chief, Central Patrol Division
Internal Affairs Bureau
(File #IAB IV2385031)



CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

September 26, 2018

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **JIMMY YEE** for a hearing on his **discharge**, effective May 20, 2016, from the position of Deputy Sheriff, Sheriff's Department*, **Case No. 16-138**.

The Civil Service Commission, at its meeting held on September 19, 2018 approved findings in the above-entitled case. The petitioner's objections were overruled. Commissioner Nightingale dissented. Commissioner Afriat was absent.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Steve Cheng
Interim Executive Director

Enclosure

c: Jimmy Yee
Amy Johnson
Nohemi Gutierrez-Ferguson
Trudi Ferguson

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***discharge****, effective May 20, 2016, from the position of Deputy Sheriff, Sheriff's Department, of* **JIMMY YEE** **(Case No. 16-138)**	)	ORDER OF THE CIVIL SERVICE COMMISSION

On September 19, 2018, the Civil Service Commission of the County of Los Angeles over-ruled the Petitioner's objections. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, Trudi Ferguson, to sustain the Department. Commissioner Nightingale dissented. Commissioner Afriat was absent.

Dated this 26th day of September, 2018.

Absent
STEVEN AFRIAT, President

PERCY DURAN III, Member

Dissented — NAOMI NIGHTINGALE, Member

JOHN DONNER, Member

Z. GREG KAHWAJIAN, Member

LOS ANGELES COUNTY CIVIL SERVICE COMMISSION

In the Matter of the Appeal of **JIMMY YEE** Appellant And **LOS ANGELES COUNTY SHERIFF'S DEPARTMENT** Respondent	)	Case No.16-138 PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

APPEARANCES

For the Appellant: Amy Johnson
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For the Respondent: Nohemi Gutierrez-Ferguson
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Hearing Officer: Trudi Ferguson

Hearing Dates: February 22, March 9, June 12, 13, 15, 16, July 18, and November 9, 2017

ISSUES

1. Are the allegations contained in the Department's letter of May 24, 2016, true?

2. If any or all are true, is the discipline appropriate?

EXHIBITS

See Attached Appendix

INTRODUCTION

The Appellant, Jimmy Yee, was notified by the Sheriff's Department on May 24, 2016, that effective May 20, 2016 he would be discharged from his position of Deputy Sheriff, Item No 2708A. The basis or the discharge was stated as violation of Department's Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior: and/or 3-01/000.13, Professional Conduct —Core Values; and/or 3-01/050.20, Duties of all Members; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (Pertaining to Field Operations Directive 11-01 – Standardized Procedures for Detective Unit Operations), on or about January 1, 2011 through March 9, 2015, while on duty and assigned as a Traffic Investigator, violated Department policy by failing to perform to standards established for the position, and/or brought embarrassment to himself and/or to the Department, and/or failed to be diligent and professional.

Specially, the Department alleges Appellant failed to properly investigate, document, categorize, properly record, and file traffic cases in a timely manner, despite existence of workable information. Appellant failed to identify and document original copies. Fatal cases were being marked as Inactive. Additionally, Appellant made several dishonest statements during an Internal Affairs investigation. Appellant incorrectly instructed the secretary to record the cases, marking and entering traffic cases as 'Inactive' when they were not properly investigated or completed. The Inactive designation removed the cases from proper monitoring and indicated Appellant was totally up to date on all case investigations, which was not true. Appellant had been

trained in the proper investigation and recording procedures and was a tenured employee. The Department used the LARCIS computer tracking system, which Appellant did not properly use. Appellant had no prior discipline.

Appellant denies the allegations alleging the Department was grossly understaffed, the Department had no uniform system or standardized recording/documenting procedures, had an inadequate problematic secretary making this case a reflection of a training problem, that he was required to work Patrol during work hours ('carp' which meant serving in Patrol, taking time out of the office and away from investigations.) Appellant argues his supervisor, Sergeant [redacted] didn't have traffic experience. Appellant also initially denied taking boxes to his car from the traffic office on Sept 3, 2015. Appellant alleges this investigation was suspiciously promoted one week after he told his supervisor he was not comfortable with the return of the problematic secretary, who happened to be the prior [redacted] Even if the allegations were found to be true, they do not warrant discipline.

Appellant was a Deputy with Sheriff's Department assigned to the Traffic Office of East Los Angeles Stations. it was his duty to follow up traffic accidents. Appellant began his employment with the Department in 1988. [redacted] before he transferred to East L.A. Station [redacted] in 1993. He assisted Deputy [redacted] as a Traffic Deputy while [redacted] was the Investigator. [redacted] provided on the job training for Appellant. In 2003 Appellant took over as Traffic Investigator. Appellant was the only Traffic Investigator from 2003 to 2016 in the East L.A. Station. His duties consisted of reading and approving traffic reports, following up fatal traffic investigations, hit and runs, and filing cases. He was

originally supervised by Sergeant [redacted] and then Sergeant Brookwell since 2006. [redacted] was Traffic Secretary from 2000-2011, then replaced by [redacted]. Sergeant [redacted] came in to replace Brookwell about February 2015 for about eight or nine months. Since 2011 the Traffic Office was supervised by Lieutenant, now Captain, John Roberts (and from about July 2013 to about April 2014 due to Roberts's injury absence, by Lieutenant Carolos Parga.) When Roberts came in he noticed LARCIS usage 'didn't look right.' He then trained and informed the Traffic Unit, and Brookwell specifically, they needed to perform duties in conformance with Field Operations Directive FOD 11-01, which established the standardized procedures for the Detective Units' Operations.

EVIDENCE

The Traffic Unit investigated traffic accidents. A field Deputy would investigate a traffic incident with the assistance of the Traffic Sergeant in this case, Brookwell, or the Traffic Investigator, or sometimes Acting Sergeant, Appellant. The field Deputy would prepare an initial report, approved by the Sergeant/Acting in a timely manner; the Sergeant would determine the status of the case depending on the availability of workable information; the Sergeant would give the file to the Traffic Secretary, who would input information into LARCIS computer database. if additional information was obtained, a supplemental report would be incorporated into LARCIS and SECDA (Sheriff's Electronic....... where original reports or evidence were supposed to be scanned and stored) and the investigator would create case files using copies, keeping the originals in a special drawer, not in the case file. LARCIS (Los Angeles Regional Crime Information System) is the record management system tracking reports for

statistical case management and ensuring reports are not lost. The LARCIS system could also be used for employee evaluation to see how efficiently employees were investigating their cases. Cases can be marked Inactive, Pending, or Active. Cases are assigned a time frame for investigation.

About February to October 2015 Sergeant [redacted] was assigned to the Traffic Divisions in East Los Angeles Station. [redacted] joined the Department in 1987 working the Traffic Office, then traffic cars from 1987 to 1991, and as a Traffic Investigator from 1991-1997 [redacted] transferred in to East L.A. Station when prior Sergeant Brockwell transferred out, due to Brookwell's personal conflict with the then Traffic Secretary, [redacted], the [redacted] of [redacted], former [redacted] of the Department. ([redacted] had transferred after a hostile confrontation with Brookwell, but wanted to come back.)

When [redacted] came into the Traffic Unit, he was supervising personnel and overseeing paper work. He noticed a lot of problems. There was no Traffic Secretary, so there was a backlog in processing. There were cases with workable information being marked as inactive. [redacted] noticed Appellant's files were highly irregular, which caused him to audit Appellant's cases. Appellant was not scanning originals of fatal traffic reports into SECDA, (which converts them into electronic copies to ensure against loss) but keeping them in his own files. (If something happens to the original, the report is gone.) Originals are then shredded. It is the Traffic Investigator's duty to investigate and do follow up.

Since the 90's the Department always worked off copies. [redacted] found multiple examples of mishandled cases by Appellant, shortcuts, not properly or timely investigating traffic cases. [redacted] found all Appellant's cases were marked and entered

into the LARCIS database as Inactive, indicating nothing further needed to be done on the cases. There was no proper case journal showing what he did or to whom he talked, as indicated by Filed Operations Directive 11-01. In hit and runs with workable information, Appellant often simply sent out a form letter to the Registered Owner and maybe put a hold on the vehicle, without proper investigation. [redacted] reviewed all the fatal accident files and found Appellant didn't approve cases till he got the coroner's reports. Coroners can take too long and approval should be done based on the Deputy's assessment. [redacted] testified these were minimal insufficient steps.

[redacted] testified If there is no workable information on a case it should be marked 'Inactive' indicating the case should be closed. If workable information may be discovered after a reasonable investigation, the case should be marked 'Pending.' If there was workable information available 'the case should be marked Active.' Active cases are then assigned a Detective with time frames of 30/60/90 days (triggered and tracked by LARCIS) to help Supervisors and Detectives manage caseloads and determine Detective report due dates.

Ultimately, it is the responsibility of the Sergeant or Acting to assign the case designation, although the Secretary might put Inactive on the file. Proper procedure is a case is investigated with appropriate follow up, a report submitted, reviewed, approved, corrected, and the secretary enters it into LARCIS and Crossroad (data base entry for report for Traffic Statistic Report...where traffic stats are captured to report to the State as opposed to LARCIS, primarily used for crime related data.)

Concerns about Appellant's files were triggered when a relative of a fatal accident victim asked for the report and the original report was in Appellant's file.

Smith initiated an audit and discussed the problems with Chief Parga and Captain Biagini. (See Department's Exhibit # 29 [redacted] memo to Captain Biagini 4/30/15 explaining Appellant's deficiencies and 'dereliction of duty.') Parga then started an inquiry into Appellant's work performance in 2014. In an attempt to review potentially offending files, [redacted] found some previously examined files now missing. Subsequently, an Internal Investigation was launched, led by Sergeant [redacted]

Appellant was not 'carping' at that time, (Carping was when Appellant was taken away from his Traffic Investigator duties and assigned to work Patrol.). Appellant was working a 4 /10 flex schedule. At the time, he was the only Traffic Investigator.

[redacted] testified to a variety of specific Appellant's files he reviewed and noted deficiencies. The deficiencies in these particular files are part of the specific allegations in the Letter of Discharge, all revealing inaccurate, delayed, unacceptable, or untimely case files.

[redacted] referred to Department's Exhibit #7 Case File # 914-02756-0246-250 Exhibit C Traffic Collision Report, hit and run which Appellant investigated and approved. That accident occurred 2/26/14. The case was designated with Code 130 indicating 'no crime' which [redacted] testified was inaccurate in this case. The case was entered in the LARCIS system as Inactive on the day after the collision 2/27/14. (See page 10.) The vehicle was held. Typically, the investigator would go and look at the car for clues, since they have the car, they know the registered owner and could go to the house or try to call or mail the owner. Pag1 5 indicates a phone bill was found. [redacted] concluded there was 'workable information' in this case, but no supplemental reports.

Additionally, the files were not properly kept. Appellant didn't scan original information into the SECDA system. It also contained original reports, which is inappropriate, creating a risk of loss. The testimony is a little confusing but it was approved 3/24/14 and entered 3/25/14 with essentially no additional supplemental information. [redacted] was unsure why the dates were different but offered the explanation, reports were supposed to be entered once they were approved. Appellant was entering them early to get them off the Department's radar to avoid the missing reports list. [redacted] said this case did not appear in LARCIS time exceptions list, which was inappropriate.

The termination letter in this hit and run alleges Appellant failed to properly manage the case in LARCIS as it was entered into LARCIS the day after the collision despite having workable information; Appellant failed to document any of his investigative actions in a supplemental report; failed to maintain a proper investigative case file, as evidenced by the minimal content and lack of a journal; failed to conduct any follow-up investigation, such as a suspect interview, victim interview, registered owner letter, or a location search for surveillance video evidence; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for extensions.

Appellant testified documents from his original file in this case were missing from what I.A. Investigator, [redacted] presented to him during the I.A. interview regarding this case. Appellant was not presented with his original case file. Specifically, Appellant was looking for the vehicle report form CHP, a 180 (report when a vehicle is held as evidence or removed from its location) which he recalled being in the case file. The

report was written 2/26/14 by Deputy [redacted] who was untrained in Traffic, and had not worked with Appellant previously. When asked if he knew who made the 2/27/14 inactive entry, Appellant replied 'It seems [redacted] But Appellant said he was guessing. He didn't know how it said inactive. Deputy [redacted] wrote the report and gave it to Appellant 3/24/14. It was late. Brookwell had spoken to [redacted] several times about the lateness of this report. When Appellant finally got [redacted] report on 3/24/14 he realized the car had been impounded, which he hadn't known previously. Appellant then worked on filling in omitted information, calling two tow yards, and found the vehicle had been destroyed. Appellant attempted to contact a witness, talked to the owner of the vehicle, determined all the victim wanted was insurance information. Since they couldn't identify the driver, the owner of the car moved, they had an undeliverable address, Appellant determined this case was no longer workable. Appellant testified the additional information, verified by his own handwriting added to the report, showed his further work and investigation of this case. (See p.1.) Appellant testified he never tried to hide this case. Appellant marked the case inactive on 3/24/24.

Case File No 014-09407-0244-470 Department's Exhibit #4 Exhibit # H documents a traffic incident 7/17/14 involving manslaughter resulting from a street race crash in which a passenger was killed, a 'fatal' and maybe a crime. It was never presented to the D.A.'s office. [redacted] testified the original report refers to other supplemental reports he couldn't find and were not included in the file. Original statements of witnesses were inappropriately in the file with no indication regarding how the statements were obtained. Appellant approved the traffic report 102 days after the collision. When [redacted] asked Appellant about the report, Appellant said he was told not

to do anything by his supervisor, Brookwell. A Risk Management Bureau Traffic Services Detail audit confirmed noncompliance. [redacted] and Biagini's requested this Traffic Service Detail review "to make sure other people were reviewing it, to make sure we had other people reviewing it and to make sure my direction I was trying to steer the Traffic Office is the way the Department wants it and the way it was supposed to be.' [redacted] (See Department's Exhibit # 24.)

The termination letter in this hit and run alleges Appellant failed to approve the traffic report in a timely manner, approving the report 102 days later without reasonable explanation and no attempt at soliciting the report from the authoring deputy; failed to document any of his investigative actions including an interview of a driver, in a supplemental report; failed to maintain a proper investigative case file, as evidenced by two missing supplemental reports and the inclusion of actual physical evidence;; failed to properly document and book evidence in the form of a written witness statement; failed to inspect the impounded vehicle for evidence; failed to conduct follow up investigation based on the witness statement; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for extensions.

Appellant offered Appellant's Exhibit #ZZ which he says is a more complete report showing he approved the report on 10/27/14. Appellant stated Department's Exhibit #4 is inaccurate as pages are missing. Page 8 doesn't say when it was approved, it is cut off. Appellant testified that Appellant's Exhibit #ZZ includes the complete 'factual diagram.' Appellant took the report away from Deputy [redacted]

because of errors. Appellant had to take the repot away from Deputy [redacted] who wrote the 'fatal,' report and was having a hard time writing the report, and making multiple errors. Her computer was corrupted. Appellant remembered writing a supplemental report but that was not included in [redacted] photocopies. Subsequently, Deputy [redacted] was given this case by [redacted] to prepare the case for the D.A. but Deputy [redacted] found there was nothing there.

Department's Exhibit #5 Case File No 914-08890-0241-471 # Exhibit B involved a 7/7/14 bicyclist who hit a pedestrian who had no I.D, and was taken to the hospital. Page 16 shows Appellant marked that case inactive 9/11/16, 66 days after the incident and never found who was involved. [redacted] testified he saw very little investigation in the notes, except Appellant couldn't locate the victim due to HIPAA law. The case was reassigned to Detective [redacted] around 8/5/15 and it took [redacted] less than a week to determine the identity of the person, getting information he needed from the hospital., learned he was transferred to a rehab facility, and this person eventually passed away. [redacted] testified Appellant could have subpoenaed the patient records to determine his identity and where he was located. There is no evidence he did so.

The Department letter of terminations alleges: Appellant failed to approve the traffic report in a timely manner, approving the report 75 days later and without reasonable explanation for the delay; failed to document any investigative actions in a supplemental report; failed to maintain a proper investigative case file, as evidenced by the inclusions of an original supplemental report; failed to conduct any follow up investigation, as evidenced by, failing to identify the pedestrian involved and determine the pedestrian later passed away as a result of the injuries sustain in the collision; failed

to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for extensions.

Appellant testified this 7/7/14 report was written by Deputy [redacted] approved and classified as inactive by Appellant 9/11/14. Appellant approved the report late as [redacted] turned in his report about 9/11/14, delayed as so many measurements had to be taken. Appellant testified he and Brookwell rolled out to the accident the night of the accident as it was a serious injury, working with [redacted] to make sure measurements were correct. It was not a fatal at that time. Appellant went to the scene 4 to 6 times with [redacted] to check the measurements. He went to the hospital and called several times trying to identify the person. Brookwell worked with [redacted] to check Bluecheck for fingerprint confirmation from the victim. They called Homicide Missing Persons. Deputy [redacted] and Brookwell went to the suggested person's location, identified in p. 35 photo, but it wasn't the right person. Appellant sent someone to get a blood sample from the bicyclist. He took notes in a steno book but the notes were not with the stuff [redacted] provided. [redacted] never showed him the original case file for this incident. Appellant conferred with the coroner about the possible identify with no success. Appellant testified that was all he could do.

Department's Exhibit #6, Fatal Collision Exhibit # G Case File No 014-09136-0246-470 reflects a fatal accident involving a drunk driver who T-boned a semi-truck on 7/12/2014. The original copy of the report was in the file. Appellant approved the report 9/25/14, and was entered LARCIS 9/26/14. When asked at the hearing, why in his I.A investigation testimony, he still hadn't presented the case with a formal sheet explaining

what happened to the D.A., he answered he didn't get to it. Appellant approved the traffic report 75 days after the accident, after the autopsy report was prepared and without reasonable explanation for the delay, failed to properly process the original report in LARCIS and SECDA as indicated by the original report being found inside the investigator case file and the report being entered into LARCIS as inactive on the same day of the collision, despite containing active/workable information, and failed to add two written witness statements, photos and video and no supplemental reports or the inclusion of the original report.

The Department's letter of termination alleges Appellant failed to approve the traffic report in a timely manner, approving that report 76 days later after the autopsy report was prepared and without reasonable explanation for the delay; failed to properly process the original report in LARCIS and SECDA as evidenced by the original report being found inside the investigator case file and the report being entered into LARCIS as inactive on the same day of the collision despite containing active/workable information; failed to document any of his investigative actions in a supplemental report; failed to maintain a proper investigative case file, as evidenced by missing supplemental reports and the inclusions of the original report and actual physical evidence; failed to properly document and book evidence in the form of two written witness statements, photographs, and video; failed to inspect an impounded vehicle for evidence before it was released; failed to conduct any follow-up investigation,; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to the supervisor for case extensions.

Appellant testified the report was written by Deputy [redacted] and he approved the report much later because he just received the report then. He rolled out on this case with Brookwell. Appellant contacted either the neighboring bonds company or spice company to obtain a better copy of a relevant video, originally obtained by [redacted] Witnesses were interviewed by [redacted] Appellant, [redacted] Brookwell, probably Deputy [redacted] and the Coroner investigator, all inspected the vehicle, as the deceased body was still inside. Appellant pointed to various pages of the report indicating his follow up work: p.28 is a spreadsheet created by Brookwell to help track reports of two similar fatals; p. 45 indicate phone numbers in the decreased possession; p. 69 phone message; p. 73 vehicle release hold signed by Appellant; p. 74 the coroner's report.

Department's Exhibit # 8 Case File No 014—7561-0242-250 Exhibit # D was a fatal hit and run which occurred 6/8/14 and was marked inactive, no crime, 6/9/2014. [redacted] testified this case had workable information of a license plate and everything on the car ownership. There was also a document in the file of a letter that goes out to the owner saying their car has been involved in a hit and run and to call. [redacted] testified rarely do people respond to such a letter and it is better to go to the address. Appellant testified he remembers asking [redacted] to send out that letter which was sent 6/26/14 See p. 13.) The Case was approved by Brookwell 6/24/14 before the letter went out. Because the case was classified as inactive, there were no red flags in LARCIS and it is off the tracking radar. There is the ability to change designations in LARCIS.

The termination letter in this hit and run alleges Appellant failed to document any of his investigative actions in a supplemental report; failed to maintain a proper investigative case file, as evidenced by the minimal content and lack of a journal; failed

to conduct any follow-up investigation, such as a suspect interview, victim interview, registered owner letter, or a location search for surveillance video evidence; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for extensions.

Appellant confirmed the accident occurred 6/8/14, P.15 shows the case status as 'Information only report. No crime.' Appellant stated he didn't enter or instruct [redacted] to enter that case information. Deputy [redacted] wrote the report noting in his handwriting the accident occurred on private property. Brookwell approved the report 6/18/14. Appellant was unclear about whether he talked with the victim. At first, he said he told [redacted] he didn't remember if he talked to the victim. Then after reviewing the materials he said he believed he did, but didn't remember. He told [redacted] there should be notes on this in the files. There were some missing notes and follow up information that's left out of the file, which would indicate additional information he obtained and how. Appellant stated he takes notes on his interviews on a steno pad and transfers them to a supplemental report. Page 10 is insurance information which came from the owner of the vehicle which Appellant got. Brookwell requested secretary [redacted] send out a follow up hit and run letter 6/26/14 to the registered owner of the suspect's car, [redacted] (See p.13.)

There was an insurance card inside the report but it doesn't say how he got the card. Appellant, remembered the owner of the hit and run vehicle came back. Later he recalled more, saying the only other vehicle owner came to the station several times and 'she' brought a Matricula I.D card of, apparently, the driver of the other vehicle.

She was told to make an appointment and come back, and 'so I didn't interview him.' And Appellant believed he came back but didn't know, as he didn't have the case files.

Department's Exhibit #9 Case No 914-08280-0244-250-Exhibit # E was a hit and run with property damage which occurred 6/24/2014, It was entered into LARCIS as inactive the next day, 6/25/14, Appellant alleged by [redacted] but Appellant approved it 7/1/14. There was workable information, such as the suspect's license plate. Appellant sent out a letter a Registered Ownem Letter. But, he never went to the location of the incident, or to the registered owner's address, or to get surveillance video, or place a vehicle transaction stop with the DMV to avoid the registered owner from changing the registration, or ever talked with the suspect or victim. Later in the hearing he stated he did interview the suspect on July 10 and hadn't originally said so because he did not have his calendar, indicating the interview date with the suspect. The suspect came to the station July 10, but there is no supplemental report. Smith testified Appellant had an incomplete case journal. The letter and any notes should have been in a journal on the side and in a folder. And [redacted] testified this case was not properly worked.

**(In Department's brief, they incorrectly referred to Exhibit # 9 as Case File No 914-07451-0242-250 but have the right date and incident.)

The Department's letter of termination alleges Appellant failed to document any of his investigative actions in a supplemental report; failed to maintain a proper investigative case file, as evidenced by the minimal content and the lack of a journal; failed to document any follow-up investigation, such as a suspect interview, victim interview, registered owner letter, or a location search for surveillance video evidence; failed to maintain the investigative case file in a neat, uniform manner, with a journal

attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to your supervisor for case extensions.

Department's Exhibit # 9 was written by [redacted] wrote. At first, Appellant testified he told [redacted] he didn't remember why the report wasn't approved but then at the hearing referred to Appellant's Exhibit # H p. 128 which said he told [redacted] he might not have approved it, but [redacted] might have mistakenly taken it off his desk. Appellant stated he didn't put the entry 6/25/14 on p. 11 saying 'Description information only report. No crime.' and doesn't know where that came from. When asked what he remembered about his follow up, at first, he stated he didn't see any notes on follow up, but later when he retrieved some of his property it jogged his memory he did document follow up, but the documentation was lost somewhere. But he doesn't remember for sure. (See Appellant's Exhibit # YY which lists the above hit and run, with the name of [redacted] written by Brookwell referring to an interview on his calendar.)

Department's Exhibit # 10 Case no 914-15311-0262-250 Exhibit # F refers to another hit and run occurring 11/21/14. It was approved 12/1/14 by Appellant, p. 14. The case was classified inactive 12/3/14. In this case Appellant sent a letter to the registered owner of the car 12/9/14 after the case had been closed which is not normal. [redacted] testified the LARCIS entry should not have been made inactive to begin with. [redacted] testified a letter is the minimal investigation.

In several cases Appellant's follow up consisted of the form letter requesting the owner of the vehicle involved in the accident to please contact the Department.

The termination letter in this hit and run alleges; Appellant failed to document any of his investigative actions in a supplemental report; failed to maintain a proper investigative case file, as evidenced by the minimal content and lack of a journal and miscellaneous photographs; failed to conduct any follow-up investigation, such as a suspect interview, victim interview, or a location search for surveillance video evidence; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for extensions.

Appellant stated Deputy [redacted] wrote this report which was approved 12/1/14. Appellant wrote 'Letter' on the report. Page 13 is a copy of the letter which went out 12/9/14. Appellant asked [redacted] if he had the case file as notes were missing. Appellant stated he did follow up with Deputy [redacted] as evidenced by photo of a license plate. Appellant testified a Deputy [redacted] worked in Cudahy and Maywood and Appellant told [redacted] since he took the report and works down there, he should drive to the suspect's house. However, Appellant noticed there was a P.N.O (vehicle not at the address or not the registered owner) and [redacted] should have driven there right away. The vehicle was not at address of registered owner. Appellant testified it would have been his usual practice to make follow up notes to be included but they were not in [redacted] file.

From the beginning, [redacted] instructed Appellant to initially accept cases in LARCIS but then to use CLEATS (which was a computerized journal) to track his cases instead of a paper log.

Department's Exhibit #25 is [redacted] email documenting the fact [redacted] was asked by Parga to get files, which had been in the office a few days earlier, and were no longer there. As a result, they pulled surveillance video and found a video of Appellant taking box(es) out of the office and putting them into his car in the parking lot. The same video shows Appellant came into the office two hours earlier that day. Investigators can take copies of files home to work on them.

[redacted] testified he didn't work Traffic in East L.A. prior to becoming Traffic Sergeant there. [redacted] testified when he took over Traffic Office they were understaffed. There had not been complaints about Appellant except in the fatal accident described above. [redacted] described the investigative process in which the responding Deputy has one day to turn in the main report. But [redacted] gave them three days, after which he could write them up, but hadn't done so. Appellant could demand the responding Deputy turn in the report if he was Acting Sergeant. Department's Exhibit # 27 Field Operations Directive 11-01 went into effect the date of its posting January 1, 2011.

[redacted] was there when a 2015 audit was done for 2014. In Appellant's Exhibit #JJ an email by Risk Management Bureau to Chief Denham reports the East LA Station met standards in all but two areas: documentation, record keeping, and report writing; and investigations listed as 'Needs Improvement.' The report noted the Traffic Unit was not keeping track of their cases in LARCIS and they were unable to verify information on the number of investigations that were active, pending, or closed. The matter was discussed with [redacted] who was working on corrective action. The report indicated 'unknown' for handled, solved, and cleared number of cases by Appellant. [redacted] emailed Appellant about 4/16/15 presumably very shortly after the passing the audit and

shortly before he emailed Biagini 4/13/15 regarding serious shortcoming in Appellant's cases. [redacted] reviewed Appellant fatals and randomly some misdemeanors. [redacted] also testified an inactive stamp sits on a desk available to anyone. [redacted] talked to [redacted] who told [redacted] Appellant told her to enter cases as Inactive. [redacted] testified when they got a new secretary he told her not all cases are Inactive.

Appellant had been to 8 hour LARCIS class June 19, 2003. Appellant said he didn't know how to use it so [redacted] sent him back to training. (See Department's Exhibit #27 LARCIS training record from 2003.) He should have known how and why to use LARCIS. There are time guidelines for example if you go over 90 days you must justify.

Appellant never complained they were understaffed. However, [redacted] testified the Traffic Office was understaffed when he came in. They needed two people which they now have. [redacted] does remember discussing Appellant' s workload and Appellant's lack of productivity. [redacted] was not aware that the prior secretary [redacted] wanted to come back nor did he talk to her father about her positions. [redacted] also testified Appellant carped originally but they stopped carping. Appellant could have asked for 'save time.'

Lieutenant Carlos Parga joined the Department in 1989. He testified he's had 28 years of various investigative experience. He conducted the Investigation on Appellant. Parga supervised Appellant from November 2013 to October 2015. Sergeant [redacted] was Appellant's direct supervisor and prior to that Brookwell. [redacted] and Brookwell were the intermediaries between Parga and Appellant. Parga testified he was familiar with Department's Exhibit #26 Field Operations Directive (FOD) 11-01 which applied to Appellant and all investigative units during the time he supervised the office. Parga testified after doing the investigation on Appellant, he discovered Appellant did not

comply with the FOD, in filing investigations, keeping folders, and the way his cases were cleared. Parga testified Appellant worked a lot of overtime (about 700 hours) most voluntary. The work was typically not related to his main duties in Traffic.

Parga testified prior to his investigation of Appellant, he thought Appellant and Brookwell were tracking cases in LARCIS, evidenced by fact he was checking periodically and saw no problems. It never showed up in LARCIS report so he thought everything was perfect and Appellant was doing a great job.

Parga also testified he interviewed [redacted] because she worked with the Appellant. [redacted] told him Appellant and Brookwell, instructed her to clear cases from LARCIS and use code 120 indicating there was no workable information. [redacted] testified [redacted] was credible.

Bobby Denham, now Assistant Sheriff, joined the Department in 1978, and served as Central Patrol Division Chief between 2013 -2016. He made the decision to discharge Appellant as demanded by Department policy. Appellant violated the public trust to investigate crimes, which is the duty of the Department. Denham testified progressive discipline is invoked in cases less egregious than this. Appellant was an experienced Investigator. His prior Performance Evaluations were irrelevant as they were based on inaccurate tracking, due to incorrect Inactive listings, indicating all his case were completed in a timely manner. Denham became aware of problems with Appellant's work when [redacted] came in and noticed cases were not being investigated properly. Cases were being put into LARCIS immediately as inactive when they should have been active, and cases were not being investigated in a proper or timely fashion., e.g. Appellant was using Post it notes, etc. Cases should have accurate case files,

explaining investigator's actions and evidence they obtained with the goal of presenting the case to the DA. Appellant's misconduct, labeling all cases inactive, led to cases not being tracked. So, it erroneously appeared the Appellant was doing an outstanding job. Denham participated in the case review on Appellant's discipline. Denham testified Appellant was expected to follow Field Operations Directive which applied in 2014. Denham testified Appellant's discipline didn't focus on case delinquency but rather improper case handling and misleading the Department.

Under cross examination Denham stated he did have concern Appellant mentioned in his IA interview papers were missing from his files, but Denham believed all the data available was included in the investigative file and the investigation was 'very well done.'

Denham confirms LARCIS has been used by the Department for over 20 years. Appellant had 8 hours LARCIS training and was expected to know the program, how to use it, including correct case categorization. In determining discipline, Denham considered [redacted] testimony, corroborating testimony of [redacted] video and documentary evidence, and Appellant's labeling cases as inactive. Denham stated if understaffed, Appellant could have notified his supervisors but the fact that all his cases showed Inactive indicated everything was fine. Appellant could have asked to work overtime on these cases.

Sergeant [redacted], Internal Affairs Investigator, investigated Appellant. [redacted] was given Appellant's files for investigations. [redacted] stated Appellant should be familiar with the case tracking system, LARCIS, which the Department has used for about 20 years. Appellant's cases were being put into the system as Inactive

which resulted in not being properly tracked. [redacted] interviewed prior and occasional secretaries [redacted] who said in the interview, Appellant told her to enter reports in as inactive (See Department's Exhibit #12 p. 18. and Exhibit #13 p. 4. Prior Secretary [redacted] said she would go off what Appellant marked as the case classification.) Especially in hit and run cases, there must be a proper investigation and accurate case files to prosecute and present to the D.A. Appellant had Inactive cases on hit and runs with no follow up, even in a case where the victim died. Also, there is often evidence on the actual vehicle. [redacted] testified Captain Roberts stated in his IA interview that Field Operations Directive 11-01 applied to the Traffic Unit as early as 2012. (See Department's Exhibit #18.)

[redacted] testified to Department's Exhibit 19 which first show differential statistics on case status under Brookwell and Appellant confirming the alleged pattern and practice of entering traffic reports as inactive and demonstrate the poor performance of Subject Yee in investigating traffic cases. For example, in 2012 out of 647 traffic collisions, 611 are listed as inactive, only 34 pending and two solved. For 2013, of the 822 traffic collisions, 773 were listed as inactive, 46 pending, and three as solved and none active. Exhibit #14 shows duties of traffic investigators include: 'interview drivers and/or suspects of hit and run vehicles and conduct a thorough investigation' which Appellant was not doing. [redacted] testified to Department's Exhibit #21 which is email between himself and Rosemary Dean, Civilian Instructor for Department's LARCIS, indicating in training they did not enter cases in LARCIS as inactive or instruct students to do so. If the case was to be inactivated they must use a three-digit code, authorizing Sergeant, employee number, and Approving History

Forms. [redacted] testified once employees go to training they are expected to know the content material.

Captain John Roberts has been with the Department about 28 years. He supervised the East L.A. Traffic Office from 2011 until July 2013 [redacted], and Parga came in. When Roberts came in, he noticed some issues and 'it just didn't look right in LARCIS.' Roberts thought it might be training issues so instructed Brookwell and the office to follow Field Operations Directive 11-01. (See Department's Exhibit #20 and 26.) When he talked with Brookwell she was confused. In 2012, he sat Brookwell down and showed her how to use LARCIS and told her to ask him if she had any problems. It was Brookwell's responsibility to enter, monitor, and clear cases in LARCIS, but not investigate. They try to clear cases in 30 days. Brookwell told Roberts Appellant was keeping a paper log. Roberts said Appellant could continue with the paper log but 'make sure' Appellant used LARCIS to enter and clear all cases. This was before Brookwell's September LARCIS training. Roberts told Brookwell he expected her to supervise Appellant in accordance with FOD 11-01. Appellant was supposed to work up his files and conduct follow up. Roberts testified it would be insufficient follow up just to send a Letter to a possible owner of a vehicle, expect a reply, and then close out a file if there was no response. Roberts never told anyone they were exempt from LARCIS or to enter all cases as inactive. There is no ability to track and or monitor if all cases are inactive. The secretary doesn't make the classification but the Acting Sergeant would if Brookwell was out. Roberts asked Brookwell for quarterly reports by inspectors and indicated everything was good. Roberts testified he never had a conversation with Appellant regarding LARCIS. Roberts testified it would be a problem if

all cases were entered as inactive because you wouldn't be able to track or monitor them. He had no reason to investigate the Traffic office as it appeared everything was running smoothly.

There was a question regarding Roberts' participation in Appellant's Case Review as he was the Internal Affairs Captain and tasked with attending every review. He realized he had relevant information on the day prior to the hearing. He informed the panel Brookwell was a Traffic Sergeant, he instructed her how to use LARCIS, he provided Field Operations Directive 11-01 to her, and told her they were bound by some of its provisions. Roberts was interviewed the day after the Case Review so he provided information prior to the decision. Roberts was given video with Appellant's car by [redacted] (See Department's Exhibit # 28.) Roberts was aware of problems with [redacted] and Brookwell. [redacted] admitted using profanity but filed a complaint against Brookwell's overall demeanor.

Captain Steve Biagini was East LA Station Captain and worked with both Appellant and Brookwell. [redacted] informed him traffic cases were being worked improperly and there was supporting information from [redacted] Biagini testified to a problem he had with Appellant prior to this inquiry, regarding overtime hours worked. He testified Appellant was required to 'carp' one day a week which was done to reduce the burden of overtime. However, he discovered under Brookwell, Appellant was working the maximum overtime hour of 96 hours per month and sometimes completing the 96 hours within the first two weeks of every month. Appellant was on flex schedule so could first work overtime and then his flex schedule. But the purpose of the flex schedule was to assist the unit so Appellant was not using it appropriately. The

productive work hours are 8 a.m. to 4p.m. Biagini told Brookwell he wanted Appellant to work his 10 hour days before he worked any overtime. If Appellant had time to work 96 hours a week overtime, it certainly wouldn't lead to the conclusion he was overworked in his regular assignments.

[redacted] Intermediate Typist clerk with Department 17 years, helped in the Traffic office under Brookwell and [redacted] In 2000 she received two days training in LARCIS which was supposed to eliminate paperwork. She knew the case status categories. She testified it was not the responsibility of the Secretary to determine the status, rather it was the responsibility of the Deputy or Sergeant. She testified Appellant told her in early 2000 to enter the cases as inactive, even with Penal Code numbers inconsistent with an inactive classification. [redacted] testified this was wrong. Appellant told her to do data entry as she saw it and 'don't ask any questions.' Appellant said this when Brookwell was in the room within five feet. [redacted] didn't think Appellant knew a whole lot about LARCIS and maybe got two hours of training. It was her understanding Brookwell approved Traffic reports, or in her absence, Appellant. [redacted] didn't know details of LARCIS. [redacted] recalled [redacted] telling her it was her job to designate the status of a case and she corrected him. He was a tech. [redacted] testified [redacted] didn't like Appellant or anyone. She considers Appellant a hard worker. [redacted] told her to get rid of paper if scanned but that was not right. When she told this to Appellant he said they had to keep paper five years. [redacted] characterized [redacted] as a haphazard worker whose work was careless and she would often leave out vital information in her data entries.

Gabriel Rendon, retired Deputy Sheriff with Department for 34 years, served as a Traffic Investigator for eight years. His duties included investigating traffic incidents, reviewing reports, correcting, approving, following up hit and runs, collecting evidence, identifying witnesses, preparing for criminal cases and submitting cases to the D.A. His training was based on experience in field patrol, basic traffic investigation 40 hours' course, accident reconstruction, and a traffic management course. He testified Traffic Units operate differently. Reports should be turned in the next day or a deferral requested. Rendon testified lots of reports were late, in which case he'd talk with the Deputy or if several weeks late, he would go to his supervisor. He tracked cases in a binder or preprinted form in the computer spreadsheet. Appellant, Brookwell, and the Secretary could access the log to modify information. He never trained in LARCIS and he doesn't remember it. (Under cross he said he did remember it but wasn't trained on it.) His work load was more than one person could handle, but he was the only one. He worked with Appellant as a backup and trained him over time. It took a couple of years to train. For fatal accidents, he wanted to know, who's at fault, are there witnesses, photos of the scene, tedious measurements. He would send up to 3 letters to vehicle owners and then if he got no response, he'd classify the case inactive. He would try, but testified it was not possible to follow up every hit and run or misdemeanor. Most of the time you had to let it go. There wasn't time to follow up on letters. Rendon wasn't trained on classifications of active, pending, or inactive. But he learned as he went, and explained the distinctions to Appellant. Rendon confirmed Appellant had LARCIS training, and had various other training on traffic reconstruction, and traffic investigation. (See Department's Exhibit #27 Appellant's Training Records p. 2-3.) He generally had

active cases. He said it would not be normal to have no active cases. Rendon stated he would give reports to the Traffic Secretary and she'd file them. Rendon would also write supplemental reports when necessary. Appellant was not lazy. Brookwell was excellent and dedicated. [redacted] replaced Brookwell

Rendon testified [redacted] had no work ethic and wasn't like other supervisors. [redacted] seemed to disagree with Appellant and Rendon saw them argue. [redacted] wasn't a team player and didn't encourage people. Rendon didn't know much about the interaction between [redacted] and Appellant. [redacted] never complained to Rendon about Rendon's training of Appellant. Rendon didn't have a flex schedule and didn't think Appellant had one. He did work overtime when needed. But even though Rendon had a lot of work he usually only worked 24 hours per year. Rendon testified if he was going to work overtime he would work on his own cases. Rendon didn't carp. Rendon testified he would not send out letters after a case was designated inactive or fatal. Rendon never audited Appellant's files.

Victor Palacios, Sergeant, worked at the East L.A. Station from 1993-1996 and again from 2012-2016 as Traffic Monitor Enforcement. He testified [redacted] was temperamental and moody. Palacios talked with Appellant about the possibility of [redacted] returning to the Traffic Unit. Brookwell was a good supervisor and let you do your job with appropriate assistance. Palacios stated the Unit now had two Traffic Detectives. [redacted] was trying to learn the Unit but he didn't know how to do it. Palacios testified Appellant was a good guy and not lazy. Palacios saw Appellant do follow up. Palacios didn't designate fatal status. Palacios testified he would never designate a fatal collision as inactive the day after it occurred. If cases are designated inactive, it

gives the Department a false impression of how cases are being solved. [redacted] never used LARCIS.

Deputy Russell Townsley was assigned Deputy Sheriff Traffic Services Detail. He oversaw traffic programs and starting in 2013 did inspections of each station each year to make sure they were following policy and procedures. He would check what stations were using LARCIS and Crossroads. He reviewed all reports, went out with Traffic Investigators, and assisted with serious accidents and investigations. Station Investigators were required to notify the Detail when serious accidents occurred. Appellant notified them when required. Townsley met Appellant several times doing yearly investigations or roll outs to scenes of serious or fatal collisions. Townsley testified the FOD 11-01 came out in 2011 and was implemented in 2013. Prior deputies were not taught how to do it. When they were doing the 2013 inspections for 2012, they were telling the Deputies they were required to enter and track all cases in LARCIS. In 2014, the inspections were taken away from Traffic Services Detail and given to Joseph Jakl who reverted to old ways. So, the 2014 inspections for 2013 were just looking at the ratios and not much case management nor LARCIS. Townsley's unit picked back up for inspections in 2015 for 2014. Townsley testified in Appellant's Exhibit #JJ there was no data for Appellant's cases assigned, handled, solved, and cleared during 2014 calendar year. Townsley surmised a blank solve rate resulted because there were no cases assigned to Appellant. The office was not using LARCIS but a paper log and there was no way to accurately track cases on the log. Townsley stated In Appellant's Exhibit # JJ p.761 8/21/15 Command Inspection of East L.A.'s Station's Traffic Program Correspondence there is no notation Appellant was not properly following FOD 11-01

which 'probably' should have been reported.' There is no specific mention of problems with case files. The report states out of 22 East L.A. Station 'pursuit' deficiencies, those outside the 15-day requirement falls on East L.A. Station's Operations and not the Traffic Unit. But the report did state as noted above, the Traffic Unit was not using LARCIS and noted Needs Improvement in investigations, documentation, record keeping, and report writing. In Appellant's Exhibit # JJ through Exhibit's # TT, these same types of inspections revealed many deficiencies in other stations not using LARCIS or following FOD and various other problems such as excessive inactive cases, below standards in reports, with delinquent time frames and with 'more than minor errors.' Many cases were improperly investigated. Townsley testified a lot of stations used CLEATS instead of LARCIS even though FOD mandated the use of LARCIS.

Townsley testified Appellant's work ethic took care of what he was told to do and did what was required. Traffic Services Division did not perform the 2014 inspection and that inspection did not check to see if stations were following FOD 11-01. Traffic Services conducted the 2015 inspection to ensure FOD 11-01 was being followed. Townsley also testified it was Traffic Supervisor's responsibility to decide the case status, not the secretary's. Townsley was aware Appellant had 8 hours of LARCIS training in 2003 hours and should have known what correct LARCIS reports looked like. Appellant should have been able to determine whether the Secretary entered the information in the report properly. It would raise a red flag if all reports were entered as Inactive. Townsley testified it would be inappropriate for a Traffic Investigator to mark a case inactive the day after a fatal collision. He checked what Appellant did in LARCIS.

Townsely was part of a team that audited one of Appellant's particular case files at Captain [redacted] request. They found numerous deficiencies in Appellant's files. Townsley testified to the deficiencies: a license plate with no follow up, lack of follow up with various potential witnesses, no visit to nearby businesses, no toxicology report, diagram errors, and yet with these deficiencies Appellant signed the report. Appellant's files had repeated errors and incomplete documentation. Normally fatal files are completed in 30 days. No station has all inactive cases. This incident occurred in 2014 when the Traffic Office was under the FOD 11-01. There is no indication this case was presented to the DA for prosecution, so if the suspect was driving under the influence, he probably got away with it. (See Department's Exhibit #24 fatal audited this case.) Townsley testified it is common to have supplemental reports after the case is signed out.

[redacted] Director Security for Commerce Casino, knows Appellant and they are friends. [redacted] hired Appellant at the Casino handling vice, narcotics, and locating cheating devices. [redacted] testified he trusts Appellant who he characterized as a great worker and truthful.

[redacted] former Traffic Secretary, from about 2000 to 2011, was trained on LARCIS in 2000 working as a Patrol Secretary. She also got supervisory training on LARCIS but doesn't remember who trained her. Appellant didn't train her. She didn't determine case status classification, which was done by the Detective or Sergeant. She only entered cases into LARCIS that were approved. She testified [redacted] came into traffic about February 2011. She trained [redacted] by telling her what she herself did. She stated [redacted] was trained on LARCIS as Patrol Secretary to enter information on

the traffic reports into LARCIS. But it was not her duty to make a status determination of active, inactive, or pending. [redacted] didn't tell [redacted] to enter all cases as inactive. [redacted] testified she just entered whatever was on the report. If it said inactive, that's what she entered without questioning. She did not get the impression Appellant nor Brookwell were trying to hide traffic statistics. (See Department's Exhibit 13 p. 6.)

[redacted] retired Deputy Sheriff, and previous Homicide Investigator, presented cases he investigated to the D.A. Appellant came to East L.A in 1993 and worked with him as a gang investigator and Patrol. [redacted] testified Appellant was consistent, hard working, and aware of the importance of the job. Appellant did a good job. Appellant was always available, for example, helping with license plates. He was the go-to guy to get information, always present, always there. [redacted] was aware East L.A. Traffic was very busy. [redacted] was not aware of how Appellant entered cases. He didn't review Appellant's traffic reports or investigations.

Deputy [redacted] was Appellant's best friend. They went through the Academy together and [redacted] worked with him in Patrol. Appellant went on investigations with [redacted] observed Appellant working as a Traffic Investigator, and testified Appellant was very thorough, rejecting inaccurate or incomplete reports. [redacted] testified Appellant was dedicated, truthful, and loyal. [redacted] used LARCIS as Acting Sergeant and made case designations. He would never designate fatal cases as inactive the day after the incident.

[redacted] Public Safety Supervisor for City of Commerce, supervised crossing guards and community safety specialist. [redacted] knew Appellant well as they met as Field Deputies. [redacted] interacted with Appellant as much as three times a week

in person and on the phone. He testified Appellant was professional, knowledgeable, thorough and demonstrated exemplary conduct. [redacted] testified he never saw Appellant's reports.

Deputy [redacted] replaced Appellant as Traffic Investigator in the East L.A. Station. He had previous traffic reporting experience. Both he and [redacted] would classify report status and the Secretary would then enter that information. [redacted] tracked cases using LARCIS. [redacted] sent [redacted] to LARCIS training in 2016. [redacted] described augmenting his investigation by driving by vehicle owner's house rather than merely sending them a letter. He described late reports would be monitored with consequences. He also testified it would be inappropriate to enter fatal collisions as inactive the day after they occurred. He stated he did not use LARCIS to track cases and was never directed by [redacted] to do so. Under [redacted] they only used CLEATS.

The Department offered Secretary [redacted] IA testimony that both Appellant and Brookwell gave her specific instructions to make reports brought into traffic by the Deputies inactive. They told her to keep everything in house. 'If you have any problems or questions or anything, don't say anything and keep it in house. Just don't talk to anybody else. Don't trust anybody else.' [redacted] stated, "I had concerns about or thoughts about the hit and runs. Where those were always inactive and there would be some information that would come to light and I was specifically told that that's just like an insurance problems. And then I would just write a letter." (See Department's Exhibit #16 p. 5-6.) [redacted] was the person entering case status into LARCIS. (See Department's Exhibit s# 7 p. 10; Department's Exhibit #8 p. 14; Department's Exhibit # 9, page 10; Department's Exhibit #10 p. 14.)

Early 2015 [redacted] and Brookwell had a confrontation in which [redacted] called Brookwell an expletive and was removed from the office. [redacted] filed a POE complaint against Brookwell, who was then transferred out of the East L.A. Station in early 2015.

Appellant testified he had a very heavy workload. He took photocopies of work home so originals wouldn't be lost. He didn't request compensation for work he did at home. Appellant stated he never took files home to try to hide cases. He took boxes home all the time either empty or with recyclables.

Appellant testified he worked with Patrol Traffic Deputies who had zero traffic training experience which made Appellant's job much harder, as it took his time to go into the field and educate them. He received poor quality and notoriously late reports. Additionally, he was required to roll out to fatal accidents.

He kept notes in his case files with Post It notes and on a steno pad. He did take copies of his files home. He did not understand they needed to be secured, preferably with two prong fasteners, and the journal secured on the left side of the folder, with steps taken and case details documented in supplemental reports, neat, uniform according to FOD 11-01. (See Department's Exhibit #26). Appellant stated he told Brookwell and [redacted] they were overworked. Appellant was trained by [redacted] Appellant said he sent letters to registered owners of cars involved in accidents only in misdemeanors and he did follow up if he had time after sending the letters. With fatals he stated he responded to the collision, assisted the Deputy writing the report, and did follow up. He didn't write the original report unless he had to. That was done by the traffic trained Deputy. He rolled out to all fatals. It generally takes 45 to 60 day to complete investigation on fatals if it's easy, and 60 to 90 days if the investigation is

complex. He would do a supplemental report if there were errors, corrections, or additional witnesses. Appellant complained Traffic Deputies didn't turn in their reports in a timely manner and sometimes removed evidence, like impounded cars, delaying him. Appellant stamped cases as inactive and then gave them to the Secretary to enter into LARCIS. For cases that were active, he would leave that box blank. From there, the Traffic Secretary would do the data entry. Appellant testified he never told [redacted] to enter all traffic cases as inactive. [redacted] was frequently absent and Appellant was not her supervisor, nor was he expected to check her work.

January 2015 [redacted] told him she 'had it out' with Brookwell, who also told him [redacted] called her a F—— b— [redacted] filed a complaint and Brookwell was transferred out.

Starting in about 2013 under Brookwell, Appellant participated in mandatory 'carping' about twice a month but within a few months he was carping weekly. (Carping was filling in with Patrol vehicles. Carping happened throughout the Department. It was not voluntary.)

Appellant stated he understood LARCIS, which he used to track crime statistics, but didn't know LARCIS also tracked for traffic statistics. Appellant thought LARCIS was used to track crime stats and report to the FBI. He was not aware LARCIS would individually track an investigator's progress on cases. He was not told he was to use LARCIS and he did not use LARCIS under Brookwell. He stated he did use LARCIS under Brookwell to see URN logs (tracking certain report information.) They tracked cases in log spread sheets and on the computer. He, along with the Secretary and Brookwell, printed out a paper log. Appellant stated it wasn't his job to enter the active

or inactive category. He learned this from [redacted]. He only marked cases inactive and all other cases were presumed to be active. He was trained on LARCIS, but was never told he must use it to track traffic cases. Department's Exhibit # 27 shows he participated in LARCIS training 2003 and 2015 just before this investigation. But he didn't remember his 2003 LARCIS training. He did not receive any updated training until 2015. It was then he learned a Sergeant assigns a case in LARCIS and he was supposed to acknowledge or accept the case. He remembered something vague about time frames but stated [redacted] used CLEATS, (Computerized journal that tallies the days a case stays open.) Appellant started using CLEATS under [redacted] [redacted] told him to find someone to teach him CLEATS. He never received specific CLEATS training.

Appellant testified it was difficult to work with [redacted] as [redacted] hadn't done this work in a while and [redacted] was dictatorial. [redacted] assigned cases in LARCIS, Appellant would go into LARCIS and accept, and then work reports off CLEATS.

Appellant said he was never trained on FOD 11-01. He was aware there was an audit by Traffic Services, where they looked through logs and checked devices, but he never saw audits prior to this investigation. He was never told he was not tracking properly using LARCIS.

Appellant stated East L.A. handled increasing volume of cases from about 541 in 2009 to 1,203 in 2014 (See Appellant's Exhibit #VV.) He also handled cases in three contract cities of Maywood, Cudahy, and Commerce.

The Department pulled just seven cases from 2014 out of the over a thousand and Appellant argues that in no way represents the overall quality of his work either from 2014 or in his entire tenure with the Traffic Office

Appellant stated this investigation began one week after [redacted] asked him if it was OK i[redacted] came back to work in the Traffic Unit. Appellant said, no, he wasn't comfortable with her as she had created a mess. Appellant testified to a meeting in March 2015 with [redacted] and Biagini, who told him he was concerned about Appellant's investigations. Prior to that time Appellant had no knowledge of a requirement to use LARCIS.

In April or May 2015 Parga talked with Appellant asking him about his reports, who trained and mentored Appellant, about an administrative investigation, and told Appellant he needed to get representation.

At the Hearing, Appellant stated he was unemployed, in answer to a question, and later in the same day testimony, responded to a similar specific question about his employment, stating he was employed at the Commerce Casino.

Appellant was a 27-year tenured employee with no prior discipline and years of outstanding performance evaluations. (See Appellant's Exhibit # UU.)

Appellant presented testimony about a variety of problems revealed in other Traffic Units by the Traffic Services Detail Detective, [redacted]. In a Traffic Services Detail inspection for 2014, Lancaster noted discrepancies in tracking and inputting cases in LARCIS per FOD 11-01 noting: 'Without that input individual caseloads are unavailable for query in LARCIS. Investigation and Traffic Activity fell Below the Standard. (See Appellant's Exhibit KK. P. 769.) Similar problems were found in: West Hollywood Traffic Unit by [redacted] (See Appellant's Exhibit # RR p. 835-836.); Norwalk; Pico Rivera, and Temple Station audit completed by Townsley for 2014 (See Appellant's Exhibit # MM p. 793; Appellant's Exhibit # OO p. 809 -11; and Appellant's Exhibit # QQ p. 826-827,

among other locations.) Problems with report writing and documentation in other stations were presented as evidence as well. Annual inspections revealed Lomita, Lancaster, and Palmdale fell 'Below the Standard' and their report writing was unsatisfactory (See Appellant's' Exhibit # LL p. 779.)

But evidence by Townsley also indicated while the East L.A. Station had 63 DUIs in 2013 and 68 in 2014, the Lancaster office had 482 DUIs in 2013 and 576 DUIs in 2014 so the workload in those offices was considerable greater. (See Department's exhibit #JJ p. 760). **Norwalk had 258 DUIs in 2103 and 181 in 2014. Townsley stated there was no way to identify how many cases Appellant investigated and resolved as Appellant entered his cases inactive in LARCIS and his statistics were unknown.**

DISCUSSION

The main argument is Appellant failed to properly investigate and document traffic cases. There was no prior investigation or discipline by the Department as Appellant recorded his cases as inactive in the LARCIS system which signaled all his cases were completed with no issues. The Department presented credible evidence of numerous case files improperly and incompletely investigated, including immediately marking the cases inactive the day after they were filed, failing to properly follow up on 'fatals' and hit and runs, failing to properly record and document information, untimely reports, failing to properly prepare cases for the D.A., keeping informal files with original documents that should have been scanned, and cases improperly classified and recorded in the Department LARCIS system.

[redacted] made it clear in 2012 all cases need to be entered in LARCIS. To further this Directive, he personally taught supervisor Brookwell how to assign and clear

a case in LARCIS and indicated he was available for any questions. [redacted] also mandated FOD 11-01 and clearly communicated it applied to the Traffic Office. When [redacted] was informed Appellant was using a paper log, he told Brookwell Appellant could maintain that but 'make sure' he entered cases and cleared them in LARCIS. Furthermore, the cases were supposed to be classified by the individual approving the report prior to being entered into LARCIS. Townsley confirmed Appellant should have known how to handle LARCIS reports and been able to see if the secretary entered information properly. Townsley testified the FOD 11-01 came out in 2011 and was implemented in 2013. When they were doing the 2013 inspections for 2012, they were telling the Deputies they were required to enter and track all cases in LARCIS. Townsley testified they were required to enter all cases in LARCIS since he started in 2000. Denham also stated the FOB 11-01 applied to the Traffic Office in 2014. Parga also testified the FOD 11-01 applied to the Traffic Office when he was there from November 2013 to October 2015 and indirectly supervising Appellant. Both [redacted] and Denham testified the Department has used LARCIS for 20 years.

Appellant argues the Department never proved the content of the LARCIS training, nor was he specifically told in the LARCIS training he must use LARCIS to track his cases. Appellant argues there must have been improvement or changes from training in 2003 to 2015. His 2015 LARCIS training was after this investigation began. The Department confirmed credible testimony from the LARCIS trainer Traffic employees were to follow FOD.

[redacted] himself did not use LARCIS properly to track cases or require Appellant to do so. Appellant argues Parga was out of touch with the Traffic Unit, and Townsley was

doing yearly audits so should have found problems earlier, as it was clear in the 2014 Traffic Unit audit finding East L.A. was not using LARCIS. Consequently, Appellant raised the question of why they didn't have better oversight and prior educational correction.

Appellant was told by Smith to accept cases in LARCIS but to work up cases in CLEATS. [redacted], who took over from Appellant as Traffic Investigator, was not told to track cases in LARCIS. Appellant argues he was tracking cases the way he was trained by [redacted] and directed by his supervisors. He complied with the new way of [redacted] tracking. Neither [redacted] nor Brookwell ever trained Appellant on LARCIS. [redacted] testified he did not use LARCIS. Appellant argues he was trained in using a paper log to track cases and passed yearly inspections with no feedback on need for change or improvement.

Although Appellant did not use the LARCIS system he argues he had an organized system to track cases. Although he apparently was tracking cases incorrectly, he was not doing this deliberately to mislead the Department and hide his work or statistics. It was not Appellant's fault but rather the fault of the Department in not properly training and monitoring Appellant.

The evidence in this case does reveal a lack of consistency and clarity of training and usage of standard Department systems. Appellant certainly has proven there was confusion about what systems were in use, by whom, and when, and a lack of standardization in proper use of LARCIS.

However, there is ample evidence Appellant was trained and directed to use LARCIS. Training records and Appellant's own admission, confirm Appellant received

LARCIS training in 2003 and 2015. [redacted] testified once employees go to training they are expected to know the content material. The fact he doesn't remember it doesn't excuse him from its teachings and mandates. It is hard to believe he didn't remember any of the important 8 hour LARCIS training or was unaware of multiple directives by at least three experienced supervisors to use LARCIS and follow the FOB.

Appellant violated Department standards even beyond his failure to properly use LARCIS. There are repeated instances of negligent investigations, minimal work, failure to send a letter to a registered vehicle owner with no follow up, late cases, improper sloppy documentation resulting in loss and inability to properly prepare cases for the D.A.

There is insufficient evidence to prove Appellant Instructed Secretary [redacted] to enter false evidence or inaccurate inactive case classifications into LARCIS, as alleged by the Department. Appellant points to the clear animosity between [redacted] and Brookwell suggesting a motive for [redacted] to compromise Brookwell, and by association Appellant. There is no evidence it was Appellant's job as the Traffic Investigator to enter data into LARCIS. Rather that was the job of the Traffic Secretary. There was ample evidence it was the Sergeant/Acting's responsibility to classify cases as inactive and we have evidence case documents were stamped inactive often the day after the date of the incident. It was Sergeant/Acting's duty to oversee and approve traffic reports. Secretary [redacted] said it was the job of Appellant or Brookwell to determine case status. Appellant argues the fact [redacted] filed a POE against Brookwell, and then alleged Brookwell and Appellant instructed her to enter all cases as inactive, is retaliation in an attempt to affect their careers. More importantly, [redacted] did not testify

at the hearing, we only have her IA statements and hearsay corroboration of her statements from [redacted] Parga and [redacted] Appellant argued [redacted] testimony should be dismissed based on her ulterior motive, poor work ethic, and hearsay evidence.

Regardless of [redacted] statement, the Department did prove Appellant caused false entries to be made in Department records. Secretary [redacted] confirmed the similar but unsubstantiated allegations by [redacted] [redacted] testified Appellant told her in early 2000 to enter the cases as inactive, even with Penal Code numbers inconsistent with an inactive classification. [redacted] testified this was wrong. Appellant told her to do data entry as she saw it and 'don't ask any questions.' This evidence is supported by the multiple instances in which a case with workable information was marked inactive the day after the incident and approved by Appellant. We don't need to prove Appellant made or caused to be made incorrect LARCIS entry. His designation of inactive was falsification itself. The Department alleges Appellant had a motive to misclassify to avoid scrutiny tracking his case progress. I am less swayed by his motive and more by his documented behavior.

The Department proved Appellant was dishonest in his IA interview by denying for sure he was the person seen in the video leaving the office with a cardboard box*

* The testimony is varied as to whether it is one box or several boxes.

and putting it into his car. Appellant admitted the box) was put into his car, but stated the person in the video did not look like him and he can't say for certain it was him. He stated the person looked like [redacted] (See Department's Exhibit # 17 p. 110.) The video does not prove what was in the box(es) Appellant took, and no one testified they saw

Appellant take files and/or put them into the box(es). From the video, it appears the boxes were light, which Appellant argues refutes the idea they were filled with heavy files. Appellant testified it was common for him to take home empty boxes or recyclables. However, at the hearing Appellant stated the person in the video was 'probably' him and he wasn't certain before because the video was grainy. But, he says it was probably him as he commonly took home work as he was so busy. He stated he never took home original files, only copies. In any event, he said it wouldn't be a violation of Department policy. His initial denial, that he was not the person in the video, and indicating it was a fellow employee instead, appears to be deliberate deception.

In reviewing and assessing each of Appellant's files presented in the letter of termination and reviewed in the hearing, and in the Department's audits, the overwhelming evidence is Appellant was responsible for improper files. These representative cases were marked inactive often the day after the incident occurred when there was obvious workable information. Most of the files had a lack of thorough follow up and many were very late. It appears Appellant did the minimum, often just sending out a letter to the registered owner of a vehicle involved in the accident, hoping to provoke a response. Several Department/management witnesses ([redacted] and employees testified a letter was insufficient and it was incumbent upon an investigator to do active follow up to contact vehicle owners, get potential other witnesses, surveillance video, etc. A general excuse in many of these cases from Appellant is he worked with inexperienced traffic deputies who did poor and tardy reports, causing him to be late and having to do additional work. Appellant also repeatedly claimed he did much more work than is represented in the files presented during the IAB investigation

and the hearing, and reviewed in the audit. He is baffled by missing work and documentation he is certain he did.

As the Traffic investigator, it was clearly his responsibility to stay on top of these important sensitive cases. He should have managed the case classifications, not leaving it to the whims of the secretaries, he should have reviewed the correctness of files, and have pursued timely and thorough traffic reports. If he was keeping proper files, there would be less possibility of missing papers and if his cases were properly documented, his appropriate investigative work could have been tracked. Appellant blames the Department for so much of his missing documentation. That testimony is not credible. More likely that missing documentation is a result of his improper case handling, as alleged by the Department.

The Appellant argues he was doing the best work he could in an overwhelming and unrealistically demanding work circumstance. The Traffic Office had huge numbers of cases (1,203 in 2014), performing work for East L.A. and three contract cities, Commerce, Cudahy, and Maywood. He was the only Traffic Investigator for the Office. He was assigned Deputies who were untrained and unfamiliar with traffic investigation procedures, taking extra time. He was mandated to 'carp,' taking him physically out of the office one day a week, while his supervisor carped on a different day, so working 4/10 schedule, he was only in the office three days a week, and only two overlapping with his supervisor. Thus, it was unreasonable to expect him to do a 'perfect' job.

If the problems with his files and documentation were really the result of overwork, it does not make sense he was consistently and voluntarily working the maximum 96 hours per month overtime in Patrol.

But Appellant never complained to any supervisor he was overworked or could not complete his assigned investigations properly in a timely manner. All management personnel deny Appellant ever informed them of his being over burdened with work. Appellant never asked to work overtime on his Traffic Investigations. Biagini complained Appellant was inappropriately using his flex time to accommodate other overtime work, neglecting prime hours for adequately performing his assigned traffic investigation work. Biagini referred to the fact much of the investigative work needed to be done during regular work hours. Flex time was not meant to accommodate Appellant's overtime work during those hours. Biagini told Appellant's supervisor, Brookwell, he wanted Appellant to work his 10 hours a day first before he worked any overtime. Brookwell told Biagini she talked to Appellant about this.

Appellant's general credibility is questioned by his feigning lack of recognition of himself in a video showing a person taking boxes to his car and suggesting it was a fellow employee instead, and his statement he was unemployed when in the same testimony, he later stated he was employed. His testimony was often vague and confusing, like his files. He said at the hearing he was certain he remembered interviewing a certain witness, although the documentation was missing, but he referred to the witness as both **he** and **she**, questioning his certain recollection and credibility.

Appellant alleges Sergeant [redacted] was difficult to work with and had a lack of knowledge of traffic. Appellant points to corroborating comments by others, including Deputies [redacted] and [redacted] But [redacted] being difficult to work with, or even having a strained relationship with Appellant, does not abrogate Appellant's duty to get along and work with the Department's assigned management. Appellant claims both [redacted] and

Parga were out of touch with the Traffic Office, citing Parga's incorrect statement he knew they were using LARCIS as he would check but saw no problems. Appellant wondered why Parga was not alerted to problems when he saw Appellant had no cases assigned to him. Shouldn't he have checked or reviewed annual inspection reports or taken other measures to ensure correct usage and processing? Parga did supervise other investigators and testified he never had an audit that had no assigned cases. Why didn't Parga ask Appellant about this? If the Department noticed deficiencies they should have brought in an experienced Traffic Sergeant to work with Appellant.

But the fact Parga couldn't see the problems is exactly Department's point. Appellant's erroneous manner of classifying cases and not properly recording them in LARCIS concealed his delinquent case handling and inadequate investigations. [redacted] also confirmed he didn't previously consider problems with the Traffic Unit as he saw no reason to do so.

Appellant argues neither [redacted] nor Parga did anything to help to him. The Appellant argues any deficiencies in his work were the result of inadequate training, monitoring by the Department, and lack of sufficient resources. He was never counseled, educated, or subjected to progressive discipline.

Appellant argues the Department's selection of a mere seven cases out of the over 1,000 cases is not a representative sampling. Additionally, Appellant disputes the Department's characterization of the selected cases as negligent. Appellant argues he provided testimony vindicating his performance, or shows his honest efforts to perform up to standards. Appellant alleges he was performing his duties and actively investigating cases with follow up work, tracking cases, making neat appropriate paper

records, and following the standards of the Department. Appellant counters with his version of the follow-up work he did on these cases, such as verification of additional work by his own handwriting on traffic reports filled out by the preceding Deputy.

Appellant argues he did not receive a fair and impartial investigation. Specifically, Appellant alleges during his IAB interview he was not presented with his original files, but only photocopies from two years prior. He stated numerous documents were missing from what were his original files. Appellant cites Denham expressed concerns about missing papers supporting that unfair assessment. Appellant argues Denham could have done more to make sure original evidence was available. But Denham never said he was aware papers WERE missing, as alleged by Appellant. Appellant failed to refer to Denham's clarification, Denham took no further action as Denham felt the investigation was 'well done' and all available material was included.

Department Exhibit #29 refers to [redacted] auditing 5 files but [redacted] investigation included 7 files and four of the seven were not part of [redacted] original. Parga said he thought they were the same files. Appellant argues he has the right to know who selected the files, why, and when.

Nevertheless, management has the discretion and duty to audit any files. Five or seven deficient files certainly are an adequate representative sample when each file can represent a very significant traffic event, possible crimes, that improperly investigated, could go unprosecuted. The determining issue is the correctness of the files, not which files are selected. All the files should be correct ones.

Even if Appellant is correct files were missing key information he originally obtained, the very fact documents were missing proves the Department's point, the files

were inadequately maintained, and proved the validity of the Department's concern, there could be loss of original critical information, and the files failed to tell the entire story that could be used ultimately by the D.A. Missing files were most likely due to Appellant's improper record keeping.

Appellant offers some evidence indicating further work he performed in these investigations. He offers the example of Department's # 9 he offered a personal calendar that hung on the wall in his office noting a specific date, July 10, he had a scheduled interview with a witness. However, this marking on his personal calendar does nothing to further the investigative file with proper notes on the actual interview etc.

Appellant argues East L.A. Traffic Office was not the only Traffic Unit failing to follow FOD 11-01 and not using LARCIS. Appellant presented evidence lots of other stations had problems in their investigations and procedures, documented in yearly audits. Appellant argues it is unfair to target him when there is a pattern of poor performance, incorrectly using LARCIS, and a multitude of problems with report writing and investigations, revealing a Department wide oversight and training issue.

This hearing was focused on Appellant's performance. The hearing did not take evidence into the nature and context of performance in other Traffic Units. While the Appellant did present some compelling evidence of wide spread problems of proper investigations and documentation, which should signal concerns for the Department, we have no way of knowing if the problems or circumstances in other Traffic Units were even remotely similar. This case centers on Appellant's deliberate neglect, inaccuracies and dishonesty. Additionally, there is opposite evidence presented by the Department

of other Traffic Units that were handling a much higher number of cases properly and timely.

The Appellant argues there was no consideration of mitigating circumstances such as his prior outstanding Performance Evaluations, long tenure, strong reputation, testimonials to his hard work, difficult work load, lack of adequate resources, untrained Traffic Deputies, and character witnesses.

Additionally, Appellant asserts the Department did not invoke progressive discipline. Appellant had no prior discipline in a 27-year career, and to the contrary, had evidence of outstanding performance. He was never counseled about problems raised in the allegations.

The Department proved the majority of allegations, which are threatening to the integrity of the Department and could undermine public safety and trust. The fact that the Department failed to prove two of the allegations: that Appellant instructed [redacted] to enter incoming traffic reports as inactive in LARCIS; and that he denied instructing [redacted] to enter incoming traffic reports as inactive in LARCIS, are not necessary to find that Appellant himself improperly classified cases with workable information and encouraged others, e.g. [redacted] to do so also. The proven allegations are substantial enough to warrant discharge.

Appellant's deception, and improper handling of his assigned Traffic Investigation work, is sufficiently egregious, the mitigating circumstances are over ridden by the harm to the Department and to the public purpose. Denham endorsed this view. Denham also indicated prior outstanding performance was irrelevant as it was based on the

inaccurate tracking. Appellant was an experienced Investigator. Progressive discipline is invoked in cases not as egregious as this.

The behavior of Appellant undermines essential trust for an important Department employee. He took no responsibility for the scanty files. The Department proved the allegations in the Department's letter of May 24, 2016 except, they failed to prove Appellant violated Department Manual of Policy and Procedures Section 3-01/040.78, Dishonesty during Departmental Internal Investigations, on or about **February 16, 2016, failing to prove Appellant was dishonest during his subject interview by deliberately distorting the truth, as evidence by, but not limited to: denial of instructing Witness [redacted] to enter incoming traffic reports as inactive in LARCIS.**

FINDINGS OF FACT

1. The Appellant, Jimmy Yee, was notified May 14, 2016, in a Letter of Discharge, by the Sheriff's Department, that effective May 20, 2016, he would be discharged from his position of Deputy Sheriff, Item 2708A.

2. Appellant had been employed by the Sheriff's Department since 1988. He became the Traffic Investigator for the East L.A. Traffic Unit in 2003.

3. Appellant received on the job training from Deputy [redacted] the prior Traffic Investigator.

4. Appellant was the only Traffic Investigator in the East L.A. Office from 2003 to 2016.

5. East L.A. Station also performed work for three contract cities; Commerce, Cudahy, and Maywood. He was the only Traffic Investigator for the East L.A. Office.

6. He was supervised by Sergeant Brookwell and then in February 2015, by Sergeant [redacted] Since 2011 the supervisor over the Traffic Office was Lt. [redacted] and from July 2013 to April 2014 Lt, Parga.

7. Appellant's duties consisted of investigation and documentation of traffic accidents in a timely manner in accordance with Department standards.

8. The Traffic Sergeant/Acting determined the classification of Traffic case status and the Traffic secretary would input the information indicated on the report in LARCIS.

9. There was a confrontation between Brookwell and the Traffic Secretary [redacted] resulting in both leaving the East L.A. Station.

10. There is insufficient evidence Appellant instructed [redacted] to enter all cases as inactive in LARCIS from about January 1, 2011 through March 9, 2015.

11. Appellant violated the Manual of Policy and Procedures Section 3-01/100.35, False Information in Department Records from about January 1, 2011, through March 9, 2015, while on Duty and assigned as a Traffic Investigator, he violated Department policy by causing false information to be entered in Department records and electronic data systems.

12. Appellant violated the Manual of Policy and Procedures Section 3-01/100.35, False Information, when as early as 2000 he instructed Secretary [redacted] to enter cases as inactive when there was workable information.

13. Appellant consistently marked cases as inactive within a day of the incident and with workable information.

14. Appellant received 8-hour training in LARCIS in 2003 and 2015 and was expected to know the use of the system.

15. Management informed the Traffic Office they were to track cases in LARCIS.

16. The Traffic Unit was instructed to follow the FOD 11-01 which was implemented in 2013.

17. Sergeant [redacted] told Appellant to accept cases in LARCIS but to work up cases in CLEATS.

18. Appellant was allowed to work off a paper log but had to be 'sure' he entered and cleared cases in LARCIS.

19. The Traffic Service Detail conducted inspections of Department Traffic Units to collect data, to see how they were investigating cases, and to see if the Traffic Units were following FOD 11-01 and tracking cases into LARCIS. Starting in 2013 for 2012 data, The Traffic Services Detail started telling deputies they were required to keep their cases a certain way and track them all in LARCIS.

20. During these inspections, Traffic Service Detail discovered data revealing some stations fell below standards in various dimensions, including improper case documentation and record keeping, as well as in investigations. They also discovered some stations were processing greater number of cases than East L.A.

21. Appellant consistently failed to properly investigate, document, record, and monitor traffic cases in a timely manner, correctly using LARCIS or in accordance with required Department standards as outlined in FOD 11-01 including failing to keep neat, secure, photocopied files, and properly marking cases.

22. Appellant worked a 4/10 flex schedule and was required to work Patrol one day a week ('carping') instead of performing his regular Traffic Investigator duties.

23. Appellant voluntarily worked the maximum 96 hours per month overtime on Patrol. He did not ask to work overtime hours on his regular Traffic Investigator job. Appellant did not complain to management he was overworked.

24. Appellant often took work home from the office.

25. Appellant violated the Manual of Policy and Procedures Section 3-01/040.75, Dishonesty During Departmental Internal Investigation's, on or about February 16, 2016, he was dishonest during an IAB interview distorting the truth, denying being the individual seen exiting the traffic office on September 3, 2015, with boxes in hand and walking to his vehicle, indicating he felt this videoed individual was fellow Deputy [redacted]

26. Appellant had no prior discipline. He had received Outstanding Performance Evaluations and commendations. Because Appellant marked his cases as inactive, there was no evidence he needed counsel or discipline as it looked like he was handling all his cases.

27. Appellant failed to approve traffic report Case File No 014-09407-0244-470 (Department's Exhibit #4 Exhibit # H traffic incident of 7/17/14 involving manslaughter resulting from a street race crash) in a timely manner, approving this report 102 days later without reasonable explanation and no attempt at soliciting the report from the authoring deputy; failed to document any of his investigative actions including an interview of a driver, in a supplemental report; failed to maintain a proper investigative case file, as evidenced by two missing supplemental reports and the inclusion of actual physical evidence; failed to properly document and book evidence in the form of a written witness statement; failed to inspect the impounded vehicle for evidence; failed to conduct follow up investigation based on the witness statement; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for extensions. This case was never presented to the D.A.

28. Appellant failed to approve the traffic report (Department's Exhibit #5 Case File No 914-08890-0241-471 # Exhibit B, a 7/7/14 bicyclist who hit a pedestrian) in a timely manner, approving the report 75 days later and without reasonable explanation for the

delay; failed to document any investigative actions in a supplemental report; failed to maintain a proper investigative case file, as evidenced by the inclusions of an original supplemental report; failed to conduct any follow up investigation, as evidenced by, failing to identify the pedestrian involved and determine the pedestrian later passed away as a result of the injuries sustained in the collision; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for extensions.

29. Appellant failed to approve the traffic report (Department's Exhibit #6, Fatal Collision Exhibit # G Case File No 014-09136-0246-470 reflects a fatal accident involving a drunk driver who T-boned a semi-truck on 7/12/2014,) in a timely manner, approving that report 75 days later after the autopsy report was prepared and without reasonable explanation for the delay; failed to properly process the original report in LARCIS and SECDA as evidenced by the original report being found inside the investigator case file and the report being entered into LARCIS as inactive on the same day of the collision despite containing active/workable information; failed to document any of his investigative actions in a supplemental report; failed to maintain a proper investigative case file, as evidenced by missing supplemental reports and the inclusions of the original report and actual physical evidence; failed to properly document and book evidence in the form of two written witness statements, photographs, and video; failed to inspect an impounded vehicle for evidence before it was released; failed to conduct any follow-up investigation; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for case extensions.

30. Appellant failed to properly manage the case (Department's Exhibit #7 Case File # 914-02756-0246-250 Exhibit C Traffic Collision Report, hit and run 2/26/14.) in LARCIS as evidenced by the report being entered into LARCIS as inactive on the next day after the collision despite having workable information; Appellant failed to document any of his investigative actions in a supplemental report; failed to maintain a proper investigative case file, as evidenced by the minimal content and lack of a journal; failed to conduct any follow-up investigation, such as a suspect interview, victim interview, registered owner letter, or a location search for surveillance video evidence; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for extensions.

31. Appellant failed to document any of his investigative actions (Department's Exhibit # 8 Case File No 014—7561-0242-250 Exhibit # D fatal hit and run 6/8/14) in a supplemental report; failed to maintain a proper investigative case file, as evidenced by the minimal content and lack of a journal; failed to conduct any follow-up investigation, such as a suspect interview, victim interview, registered owner letter, or a location search for surveillance video evidence; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per

FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for extensions.

32. Appellant failed to document any of his investigative actions (Department's Exhibit #9 Case No 914-08280-0244-250-Exhibit # E hit and run 6/24/2014,) in a supplemental report; failed to maintain a proper investigative case file, as evidenced by the minimal content and the lack of a journal; failed to document any follow-up investigation, such as a suspect interview, victim interview, registered owner letter, or a location search for surveillance video evidence; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to your supervisor for case extensions.

33. Appellant failed to properly manage the case; (Department's Exhibit # 10 Case no 914-15311-0262-250 Exhibit # F hit and run 11/21/14) failed to document any of his investigative actions in a supplemental report; failed to maintain a proper investigative case file, as evidenced by the minimal content and lack of a journal and miscellaneous photographs; failed to conduct any follow-up investigation, such as a suspect interview, victim interview, or a location search for surveillance video evidence; failed to maintain the investigative case file in a neat, uniform manner, with a journal attached containing investigative steps taken per FOD 11-01; failed to manage/document the case status in LARCIS and provide justification to his supervisor for extensions.

34. The Appellant violated Department's Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior: and/or 3-01/000.13, Professional Conduct –Core Values; and/or 3-01/050.20, Duties of all Members; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (Pertaining to Field Operations Directive 11-01 – Standardized Procedures for Detective Unit Operations), on or about January 1, 2011 through March 9, 2015, while on duty and assigned as a Traffic Investigator, violated Department policy by failing to perform to standards established for the position, and/or brought embarrassment to himself and/or to the Department, and/or failed to be diligent and professional.

CONCLUSIONS OF LAW

1. The Department has met its burden in proving that all allegations contained in its letter of March 26, 2009, are true, apart from the one allegation, 2. a. that Appellant instructed Secretary [redacted] to enter incoming traffic reports as inactive in LARCIS from about January 1, 2011 to March 9, 2015.

2. The Department met its burden in proving the discipline of discharge is appropriate.

RECOMMENDATION

The Department meet its burden in proving that the Appellant violated #1, #2. b. and # 3. b in their charging letter. The Department did not meet its burden of proof that Appellant violated #2. a or #3 a. Therefore, the duly appointed Hearing Officer recommends that the Appellant's discharge be sustained.

[redacted]

Hearing Office

March 12, 2018



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



JIM MCDONNELL, SHERIFF

November 2, 2018

Deputy Jimmy Yee, [redacted]

Dear Deputy Yee:

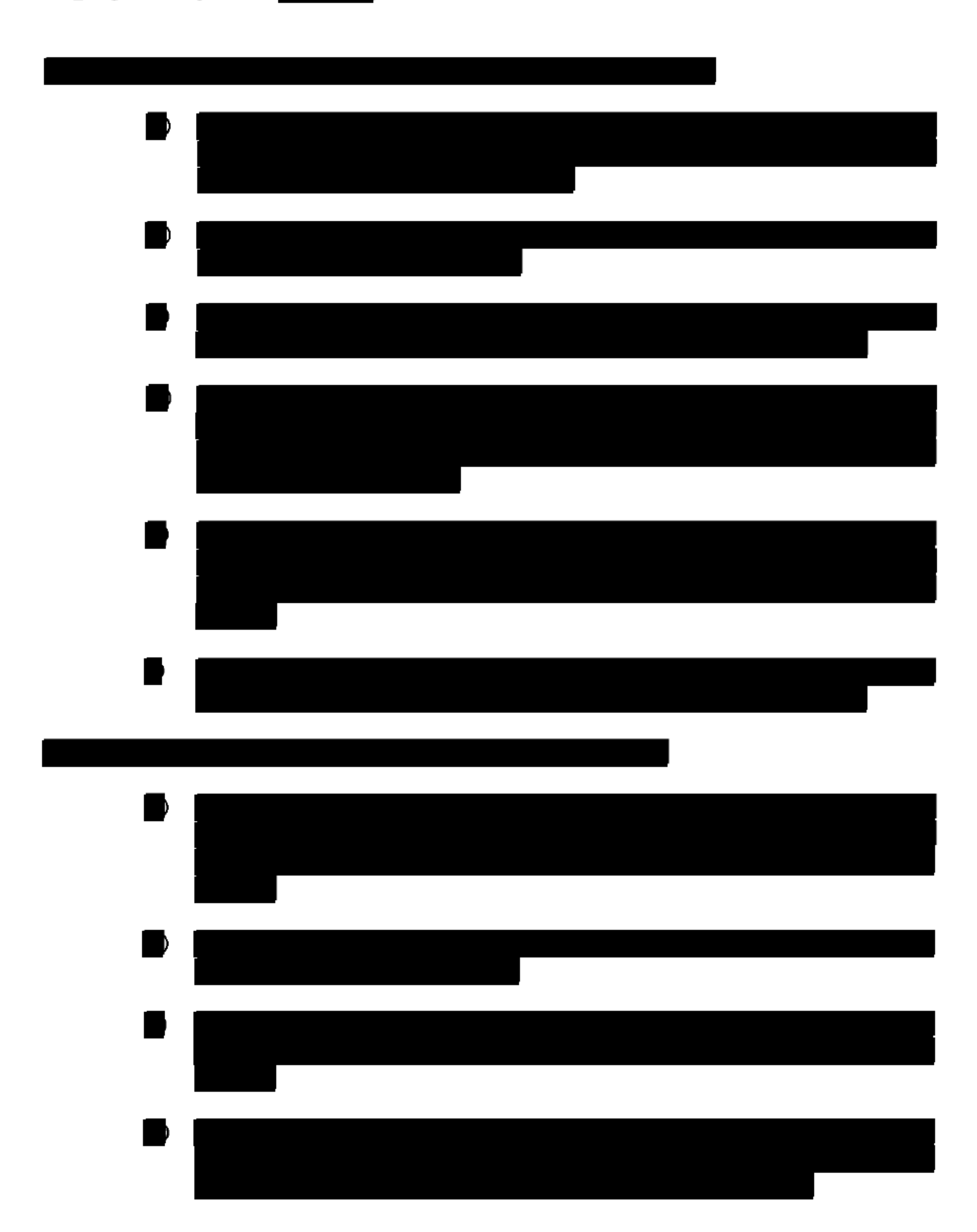
AMENDED LETTER OF IMPOSITION

On May 24, 2016, you were served with a Letter of Imposition under File Number 2385031 notifying you that you were discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on May 20, 2016.

On September 19, 2018, the discipline will stand pursuant to a final Civil Service Commission decision. However, the charges will be modified to reflect the Hearing Officer's decision. All Department records will reflect that the discharge will stand.

Pursuant to the Civil Service Commission decision and the Internal Affairs Bureau investigation under IAB File Number 2385031, coupled with your own statements, has established the following:

[redacted]

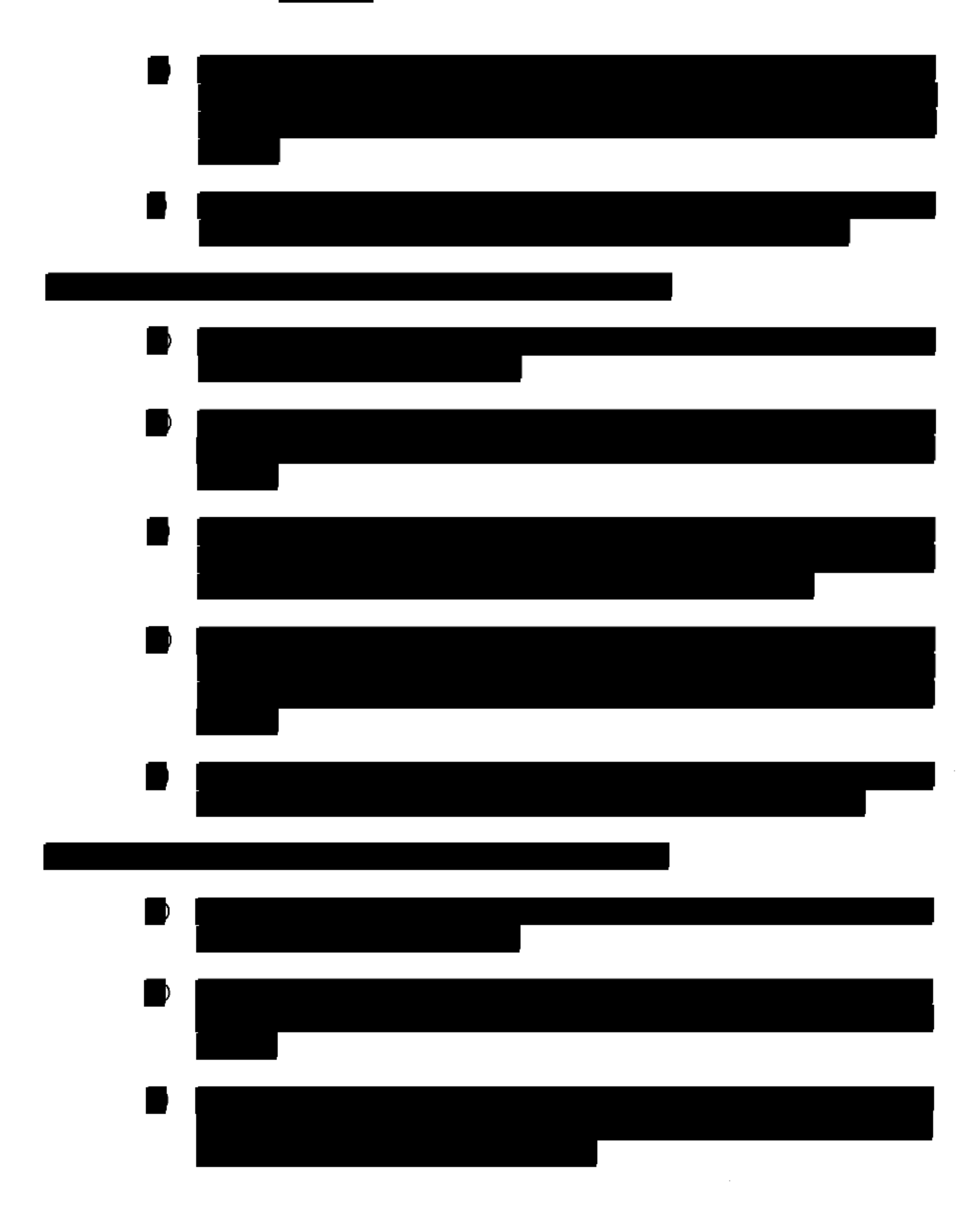


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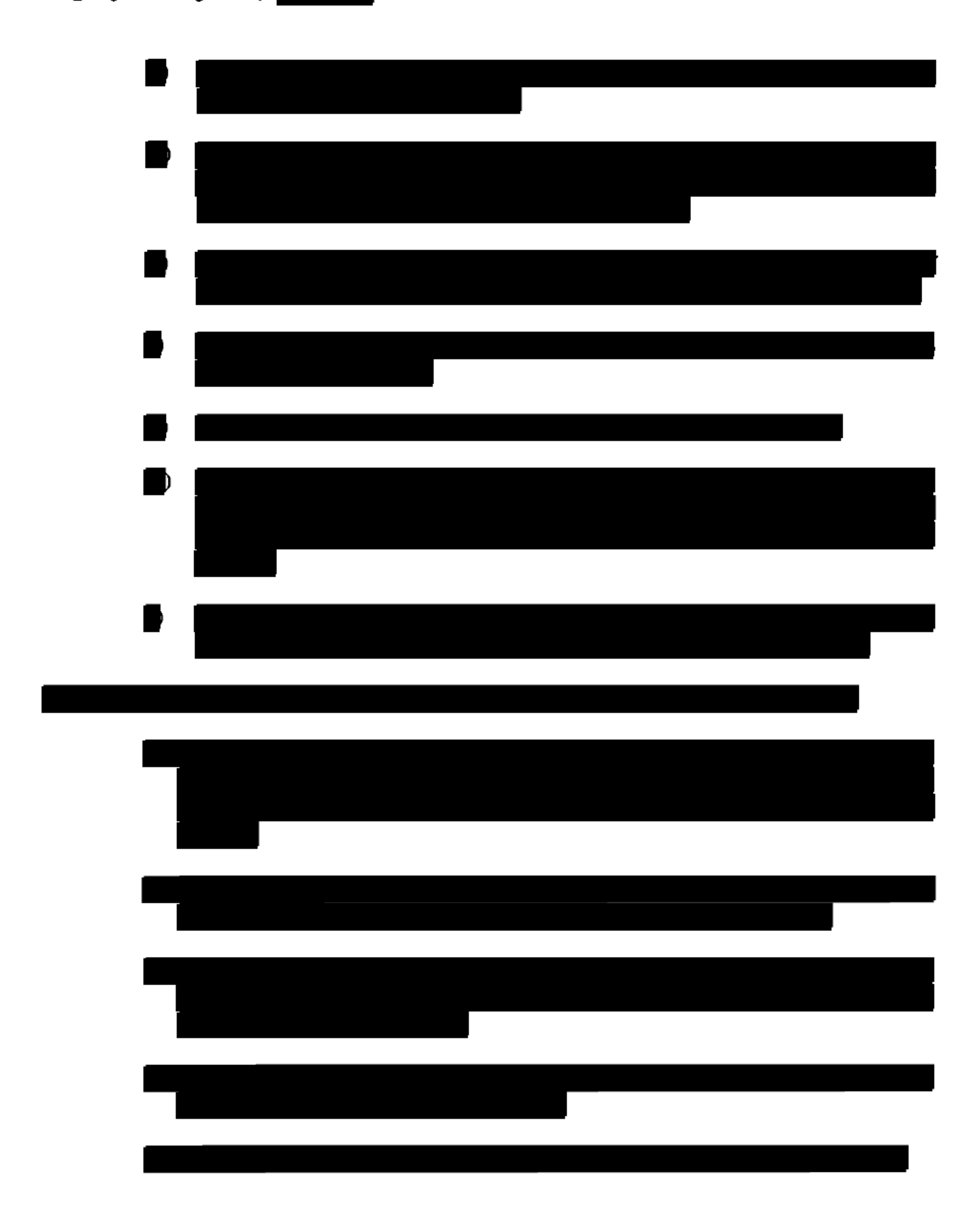
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- [redacted]



[redacted]



[redacted]

[redacted]

[redacted]

2. That in violation of the Department's Manual of Policy and Procedures Section 3-01/100.35, False Information in Department Records, on or about January 1, 2011, through March 9, 2015, while on duty and assigned as a Traffic Investigator, you violated Department policy by causing to be entered in Department records and electronic data systems false information, as evidenced by, but not limited to the following:

   a) Witness [redacted] corroboration of Witness [redacted] claim of the direction(s) given by you, to enter inactive LARCIS entries.

3. That in violation of the Department's Manual of Policy and Procedures Section 3-01/040.75, Dishonesty During Departmental Internal Investigations, on or about February 16, 2016, you were dishonest during your subject interview by deliberately distorting the truth, as evidenced by, but not limited to the following:

   a) Your denial of being the individual seen exiting the traffic office on September 3, 2015, with boxes in-hand and walking to your personal vehicle.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Josie S. Woolum, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JSW:CK:liz

c: Advocacy Unit
Employee Relations Unit
Joseph M. Gooden, Chief, Central Patrol Division
Personnel Administration Bureau
East Los Angeles Station/Unit Personnel File
Internal Affairs Bureau (File #2385031)